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W.P.No.15441 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.15441 of 2024

Unnamalai

...

Petitioner

versus

The Sub Registrar,
Karimangalam SRO,
Dharmapuri

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in Refusal Number RFL/Karimangalam/102/2024 dated 30.05.2024 and quash the same as illegal and unsustainable and further direct the respondent to admit and register the settlement deed dated 30.05.2024 executed by the petitioner in favour of her grand sons named M.Periyasamy and M.Ravikumar with respect to the properties comprised in the Survey No.542/2 to the extent of 42 cents, ½ share in the well located in the Survey No.542/2 to the extent of 15 cents, 3 cents in the Survey No.542/2, 27 cents in the Survey No.542/1 and 35.5 cents of land comprised in the survey no.542/5 situated in the Bandarahalli Village, Karimangalam Taluk, Dharmapuri District as outlined



under the registered sale deed Doc.No.1968 of 2012 dated 04.12.2012,
Doc.No.1995 of 2012 dated 07.12.2012 on the file of SRO, Karimangalam.

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For Petitioner

: Mr.I.Shanmugaraja

For Respondents

: Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to to call for the records pertaining to the Refusal Check Slip in Refusal Number RFL/Karimangalam/102/2024 dated 30.05.2024 and quash the same as illegal and unsustainable and further direct the respondent to admit and register the settlement deed dated 30.05.2024 executed by the petitioner in favour of her grand sons named M.Periyasamy and M.Ravikumar with respect to the properties comprised in the Survey No.542/2 to the extent of 42 cents, ½ share in the well located in the Survey No.542/2 to the extent of 15 cents, 3 cents in the Survey No.542/2, 27 cents in the Survey No.542/1 and 35.5 cents of land comprised in the survey no.542/5 situated in the Bandarahalli Village, Karimangalam Taluk, Dharmapuri District as outlined under the registered sale deed



Doc.No.1968 of 2012 dated 04.12.2012, Doc.No.1995 of 2012 dated 07.12.2012 on the file of SRO, Karimangalam.

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3. The case of the petitioner is that the petitioner's husband executed the settlement deed dated 04.12.2012 in Doc.No.1968 of 2012 in favour of his younger son Sakthivel. The Sakthivel purchased yet another 35.5 cents of land comprised in Survey No.542/5 situated in Bandarahalli Village, Karimangalam Taluk, Dharmapuri District vide registered sale deed Doc.No. 1995 of 2012 dated 07.12.2012. While so, he died intestate on 01.07.2022 leaving behind his wife Devayani. The said Sakthivel and Devayani had no issues. Therefore, after the death of Sakthivel, the petitioner executed the release deed vide Doc.No.2166 of 2022 dated 10.08.2022 in favour of her daughter-in-law/Devayani. Thereupon, all the properties were absolutely owned by the said Devayani without any hindrance. The said Devayani also died intestate on 25.05.2023 without any issues. Therefore, according to the petitioner, the property of Sakthivel inherited by Devyani will automatically come to the petitioner who is being the mother of Sakthivel. However, when the document was presented for registration, the same has been refused on the ground that original title deeds were not produced and also the petitioner is not a legal heir of said



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Devayani. The petitioner had also produced the death certificate of Devayani and Sakthivel. When the Sakthivel and Devayani died without any issues, the property of Sakthivel will automatically go to Class-I legal heir. The petitioner being the legal heir is also entitled to have share along with Devayani. Now the Devayani also died and death certificate has also been produced. He further submitted that though the father and mother of the Devayani has been mentioned in the legal heir certificate of the Devayani, they have not inherited any properties from Devayani especially in the presence of the persons listed under Section 15(1)(b) (Legal heirs of the husband) of the Hindu Succession Act. As the petitioner's daughter-in-law died intestate without any issues and her husband also predeceased her, the petitioner inherited all the properties which were in the hands of her daughter-in-law as outlined in Section 15(1)(b) of the Hindu Succession Act. However, the respondent refused to register the settlement deed. Hence, she seeks a direction.

4. This Court gave its anxious consideration to the submission advanced by the learned counsel for the petitioner and perused the materials available on record.



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5. Admittedly, Devayani and Sakthivel had no issues and therefore, the half share originally derived by Devayani from her husband in the absence of children will go back to the petitioner/mother-in-law being the Class-I legal heir of Sakthivel. As far as the release deed executed by the petitioner in favour of Devyani, she becomes the absolute owner of the property. After the demise of Sakthivel and Devayani, the property will automatically goes to the Class-I legal heir as per Section 15(1)(b) of the Hindu Succession Act. Such being the position, the impugned Refusal Check Slip in Refusal Number RFL/Karimangalam/102/2024 dated 30.05.2024 is set aside and the respondent is directed to register the settlement deed in favour of the petitioner within a period of one(1) week from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is allowed. No costs.

11.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv

To

The Sub Registrar,
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N.SATHISH KUMAR, J.

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