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WP.No.16069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16069 of 2024

Dhanalakshmi

.. Petitioner

Versus

The Sub Registrar,
Dharmapuri [West], Sub Registrar Office,
Dharmapuri.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to calling for the records of the respondent pertaining to the Refusal Check Slip number RFL/ Dharmapuri (West) / 95/2024 dated 13.06.2024 and quash the same as illegal and unsustainable and further direct the respondent to admit and register the release deed dated 13.06.2024 executed by the petitioner in favour the petitioner daughter-in-law named Gowthami with respect to the petitioner 1/6 share in the properties outlined under the registered sale deed Doc.No. 3850 of 2021 on the file of the SRO Dharmapuri (West).

For Petitioner : Mr.M.Ajithkumar

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader



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With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned Refusal Check Slip number RFL/ Dharmapuri (West) / 95/2024 dated 13.06.2024 as illegal and unsustainable and further direct the respondent to register the release deed dated 13.06.2024 executed by the petitioner in favour the petitioner daughter-in-law named Gowthami with respect to the petitioner 1/6 share in the properties outlined under the registered sale deed Doc.No. 3850 of 2021 on the file of the SRO Dharmapuri (West).

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

4. It is the case of the petitioner that the subject property has been purchased by his son and he died intestate on 25.10.2022 leaving behind the petitioner, his wife and daughter as his legal heirs. When the petitioner executed a release deed in respect of her 1/6th share in the property in favour of her daughter-in-law, the same was refused to be registered by the respondent



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on the ground that the shares have not been properly mentioned in the document. Challenging the same, the present Writ Petition has been filed.

5. Since the issue is only with regard to applicability of succession law, no counter is required. It is relevant to note that based on the legal heir certificate, wherein father of the deceased is shown as one of the legal heir, the registering authority has come to the conclusion that father is also entitled to a share in the property of his son. As far as succession is concerned, father is not a class I legal heir. That aspect has not been considered by the authorities. In such view of the matter, the refusal slip cannot be sustained in law and the same has to be quashed.

6. Accordingly, this Writ Petition is allowed and the refusal slip of the respondent dated 13.06.2024 stands quashed and the respondent is directed to register the release deed dated 13.06.2024 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

24.06.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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To,
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The Sub Registrar,
Dharmapuri [West], Sub Registrar Office,
Dharmapuri.



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N. SATHISH KUMAR, J.

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