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W.P.No.23734 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

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THE HONOURABLE **MR. JUSTICE S.SOUNTHAR**

W.P.No.23734 of 2024

Mrs.R.Baby Saroja

.. Petitioner

Vs

The Sub Registrar,
Triplicane SRO / Sub Registrar Office,
No.182, Bharati Salai (Pycrofts Road),
Royapettah, Chennai – 14.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the respondent to dispose the representation dated 25.06.2024 pending on the file of the respondent in accordance with law.

For Petitioner : Mr.J.N.Naresh Kumar

For Respondent : Mr.P.Harish, GA

ORDER

The petitioner herein seeks a direction to the respondent to consider her representation dated 25.06.2024.



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2. It is the case of the petitioner that the property with an extent of 1176 sq.ft. situate in No.11/4, Thambu Naicken Street, Triplicane, Chennai-5, was purchased by her grandfather under the registered sale deed dated 19.10.1938. It is further stated that her grandfather Manikam Chettiar died on 14.06.1945 and after his death, the petitioner's father Ponnusamy Chettiar succeeded to his estate. The petitioner's father also died on 05.07.1990 leaving behind his wife and six children including the petitioner and her brother Kabali. Now, the petitioner wants to execute the release deed releasing her share of property in favour of her brother and the said release deed was presented for registration. The respondent insisted to produce the death certificate and legal heirship certificate of her grandfather Late Manikam Chettiar, who died on 14.06.1945.

3. It is also stated by the petitioner that since her grandfather died long back, no attempt was made by her father to obtain death certificate and legal heirship certificate. Therefore, the same is not available with her. In these circumstances, the petitioner submitted a representation requesting the respondent not to insist production of death certificate and legal heirship certificate and the said representation has not been considered till date. Hence, the petitioner is before this Court.



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4. Learned Government Advocate appearing for the respondent would submit that production of death certificate and legal heirship certificate are mandatory as per the instructions issued by the Inspector General of Registration and therefore, the respondent insisted for production of the same.

5. The petitioner herein produced the death certificate and legal heirship certificate of her father Ponnusamy Chettiar. As far as death certificate and legal heirship certificate of her grandfather Manikam Chettiar are concerned, he died long back and therefore, the petitioner is not in a position to produce the same. The petitioner is claiming right over her share in the property of her father Ponnusamy Chettiar. Patta issued by the revenue department in the name of her father is also annexed in the typed set of papers. Therefore, after the death of her grandfather, mutation had also taken place in the revenue records in favour of her father.

6. The petitioner has also produced the death certificate and legal heirship certificate of her father, under whom, she is claiming right over



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her share of property. Therefore, compelling the petitioner to produce the death certificate and legal heirship certificate of her grandfather, who died long back, i.e., on 14.06.1945, is not justifiable, when the petitioner is able to produce patta standing in the name of her father; death certificate and legal heirship certificate of her father. Therefore, the respondent is directed not to insist upon production of the death certificate and legal heirship certificate of the petitioner's grandfather Manikam Chettiar, who died in the year 1945, and consider the request of the petitioner for registration of the release deed executed by her, if it is otherwise in order. With this direction, the writ petition is disposed of. No Costs.

20.08.2024

Index: yes/no
Neutral citation: yes/no
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To

The Sub Registrar,



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Triplicane SRO / Sub Registrar Office,
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S.SOUNTHAR, J.
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