



W.P.No.22961 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22961 of 2024
and WMP.No.25025 of 2024

M.Sulochana

... Petitioner

VS.

1.The Revenue Divisional Officer,
Thiruvannamalai – 606 601,
Thiruvannamalai District.

2.The Tahsildar,
Kilpennathur Taluk,
Kilpennathur – 604 601,
Thiruvannamalai District.

3.The Sub Registrar,
Registration Department,
Vettavalam,
Kilpennathur Taluk,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his Refusal Check Slip in



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Refusal Number:RFL/Vettavalam/34/2024, dated 24.07.2024 and quash the same and consequently directing the 3rd respondent to register the settlement deed dated 16.07.2024.

For Petitioner : C.Prakasam

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R3

ORDER

The petitioner herein seeks issue of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent in his Refusal Check Slip in Refusal Number:RFL/Vettavalam/34/2024, dated 24.07.2024 and quash the same and consequently directing the 3rd respondent to register the settlement deed dated 16.07.2024.

2. According to the petitioner, she purchased property with an extent of 2475 sq.ft in Neivanatham Village, Kilpennathur, situated in Old S.No.75/1, new S.No.90/25 from one Dhanabal, Son of Annamalai under sale deed dated 26.03.2007. Thereafter, she settled half of the property in



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favour of her son Dhanabal under registered settlement deed dated 11.03.2015. The petitioner's son Dhanabal died on 15.04.2024. Therefore, as a sole class-I heir, property reverted back to the petitioner. Later on, she executed settlement deed in favour of her daughter in respect of the property reverted back to her on death of her son and presented the same for registration. The 3rd respondent by an impugned order refused to register the same on the ground that other children of the petitioner viz., Ramesh, Jayalakshmi and Chithra were not mentioned as legal heirs in the legal heirship certificate produced by the petitioner. Under Hindu Law of Succession, in case of death of male Hindu as a bachelor, the mother, in her capacity as class-I heir entitled to succeeds to his estate and siblings of the deceased are not entitled to be declared as legal heirs of the deceased. Therefore, the legal heirship certificate produced by the petitioner showing her as a sole legal heir of the deceased Dhanabal is in accordance with law.

3. The 3rd respondent committed an error in making comment on the legal heirs certificate produced by the petitioner and refusing registration on the ground that the siblings of the deceased were not added



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as settlors in the document. Therefore, the impugned refusal check slip is unsustainable on the face of it and hence the same is quashed. Accordingly, the petitioner is directed to represent the document of registration before the 3rd respondent and the 3rd respondent shall register the same, if it is otherwise in order.

4. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

1.The District Collector/Inspector Panchayats,
Salem District, Salem.

2.The Tahsildar,
Pethanaickenpalayam Taluk,
Pethanaickenpalayam,
Salem District.

3.The Block Development Officer,
Pethanaickenpalayam Taluk,
Pethanaickenpalayam,
Salem District.

4.The President, (P.T.Azhaharasan),
Kalyanagiri Village Panchayat,
Kalleripatti Post,
Salem District.



WEB COPY



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S.SOUNTHAR, J.

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