



WEB COPY

W.P.No.23625 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23625 of 2023

S.Rajeswari

...

Petitioner

versus

The Sub Registrar-Pallavaram,
Office of the Sub-Registrar,
7th Main Road, New Colony,
Chrompet, Jameen Pallavaram,
Chennai - 600 044.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in Check Slip bearing No.RFL/Pallavaram/10/2023 dated 20.07.2023 and to quash the same as erroneous, unlawful, illegal, unjust and against the settled principles of law and consequently direct the respondent to register and release the Partition Deed dated 20.07.2023.

For Petitioner : Mr.P.Vasanth

For Respondent : Mr.B.Vijay
Additional Government Pleader



ORDER

This Writ Petition is filed to quash the Refusal Check Slip in Refusal

Number : RFL/Pallavaram/10/2023 dated 20.07.2023 and consequently direct the respondent to register and release the same.

2. It is the case of the writ petitioner that she is the class-II legal heir of one Kamala, she died issueless. The petitioner, being the class-II legal heir, presented a partition deed to partition the properties along with the relationship certificate issued by the authorities based on the decree of the Civil Court in O.S.No.106 of 2021 dated 24.03.2022 for registration. However, the respondent has refused to register the same on the ground that the legal heir certificate was not produced.

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

4. At the outset, this Court is of the view that the impugned order of refusal slip is non-application of mind. The question of issuance of the



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legal heir certificate, particularly the class-II legal heir, by the authorities will not arise at all. Whether the person is a class-II legal heir or not has to be decided only by the Court.

5. Admittedly, this Court has already recognised the right, as in O.S.No.106 of 2021. That apart, relationship certificate is also issued by the Tahsildar. Being such a position, insisting on the legal heir certificate does not arise at all. Hence, the order passed by the respondent dated 20.07.2023 is liable to be quashed.

6. In the result, this Writ Petition is allowed and the impugned order of check slip RFL/Pallavaram/10/2023 dated 20.07.2023 stands quashed and the respondent is directed to register the Partition Deed presented by the petitioner, if it is otherwise in order, as per law, within a period of one week from the date of receipt of a copy of this order. No costs.

19.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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To

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