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W.P.No.29174 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.29174 of 2024

R.Hemalatha

... Petitioner

VS.

The Sub Registrar
Office of the Sub Registrar,
Ashok Nagar,
Chennai – 600 083.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the file of the respondent with respect to the impugned Refusal Check Slip dated 29.05.2024 Vide RFL/Ashok Nagar/108/2024 and quash the same as illegal and consequently direct the respondent to register the Sale Deed dated 29.05.2024 executed by R.Jothi & her 2 children forthwith.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.B.Vijay

Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondent, this writ petition is disposed of at the admission stage itself.



W.P.No.29174 of 2024

2. Aggrieved by the impugned Refusal Check Slip in RFL/Ashok

Nagar/108/2024, dated 29.05.2024 issued by the respondent refusing to register the Sale Deed presented for registration on the ground that one of the executant was minor and permission of the court has not been obtained by the guardian of the minor for selling the property, the petitioner has come before this Court.

3. The subject property was owned by one R.Jothi and her children- Kesavan and minor daughter-Sowmiya. They executed a Sale Deed in favour of petitioner on 29.05.2024. Minor-Sowmiya was represented by her mother and natural guardian R.Jothi (since father deceased). The said document was presented for registration before the respondent. The same was refused registration mainly on the ground that one of the seller namely Minor-Sowmiya has not attained majority and her guardian has not obtained court permission for selling minor's share in the subject property.

4. Under Section 8 of Hindu Minority and Guardianship Act, 1956, if Court's permission is not obtained for selling Minors property, the transaction is voidable at the option of minor. The sale transaction is not



W.P.No.29174 of 2024

void transaction. In such circumstances, there may not be any impediment for the respondent to consider the document for registration. If minor is aggrieved by sale transaction, it is for her to challenge the impugned order in the manner known to law, after attaining majority. Therefore, the impugned Refusal Check Slip in RFL/Ashok Nagar/108/2024, dated 29.05.2024 issued by the respondent is quashed.

5. The petitioner is directed to represent the document before the respondent within a period of two weeks from the date of receipt of copy of this order. The respondent shall consider the same for registration, if it is otherwise in order.

6. With the above directions, the Writ Petition stands allowed. No costs.

04.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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W.P.No.29174 of 2024

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W.P.No.29174 of 2024

S.SOUNTHAR, J.

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W.P.No.29174 of 2024

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