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W.P.No.30654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.30654 of 2024**

Nimmie Anne Thomas

... Petitioner

**Vs.**

The Sub Registrar  
Neelankarai, Chennai-600 041.

...Respondent

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in Refusal No. RFL / Neelankarai / 12 / 2024 dated 03.04.2024, quash the same and direct the respondent to register the Deed of Release dated 03.04.2024 presented by the petitioner.

For Petitioner : M/s.P.K.Rajagopal

For Respondents : M/s.M.Shahjahan Spl. GP.  
for sole respondent.



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## **ORDER**

**WEB COPY** Challenging the refusal check slip issued by the respondent, the petitioner is before this Court.

2. The respondent had refused to register the release deed executed in favour of the petitioner dated 03.04.2024, on the ground that the legal heirship certificate of late Omana George, has not been produced. The petitioner was directed to file a better affidavit by order of this Court dated 19.10.2024 and accordingly a better affidavit has been filed into the Court. In paragraphs 4 to 6 therein, the petitioner has traced the title to the property and explained how the releasors under the impugned release deed had acquired their rights over the property. Paragraphs 4 to 6 of the better affidavit have been extracted herein below:-

*" 4. Mr. Thomas Oommen, our father, predeceased Oommen George on 02.02.1988. After the demise of my brother Oommen George, my mother Achamma Oommen and the said Omana George, wife of Oommen George, were his legal heirs. My mother Achamma Oommen passed away on 09.12.2013. The Executants of the Release Deed concerned are the legal heirs of Achamma*



Oommen.

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*5. I have three sisters by names Mary Jolly Jose, Pearly Susan Daniel and Minnie Sarah Abraham. I had three brothers apart from Oommen George. They were Regi Thomas Oommen, Bobby Oommen and Tony Eapen Oommen. Of them, Tony Eapen Oommen passed away on 18.04.2013, leaving behind him his wife Mini Mary Eapen and children Sahana Rebecca Eapen and Rohan Oommen Eapen as his only legal heirs.*

*6. As such, since the deceased Commen George and his wife Omana George did not have any children and as the parents of Oommen George had predeceased him, his four sisters, two brothers and the widow and children of his deceased brother are his only legal heirs, entitled to succeed to his estate left behind by him. The only property left behind by him is the apartment being the subject matter of the Deed of Release concerned."*



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3. Therefore, in the light of the above, the refusal check slip cannot be sustained. Accordingly, the Writ Petition is allowed, the impugned refusal check slip dated 03.04.2024 is quashed as the tracing of title has been done by the petitioner. The respondent shall register the Release Deed Dated 03.04.204 within a period of 2 weeks from the date of its representation by the petitioner. No costs.

**19.11.2024**

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

The Sub Registrar

Neelangarai, Chennai-600 041.



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**P.T. ASHA. J.,**

(shr)

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