



WP.No.36368 of 2024

In the High Court of Judicature at Madras

Dated : 09.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36368 of 2024

Bakya

...Petitioner

Vs

1. The District Registrar
Thirupathur District.

2. The Joint II Sub Registrar
Thirupathur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 09.10.2024 made in refusal check slip in RFL/2.Joint II Sub-Registrar Thirupathur/218/2024 issued by the 2nd respondent, quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the 2nd respondent to register the sale deed dated 07.10.2024 presented by the petitioner.

For Petitioner : Mr.B.Sundarapandiyan
For Respondents : Mr.M.Shahjahan, SGP



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ORDER

Challenging the check slip dated 09.10.2024 issued by the second respondent refusing to register the sale deed dated 09.10.2024 presented by the petitioner and for a consequential direction to the second respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The petitioner purchased a property in old S.No.324/1, new S.No.324/1U2 measuring 0.07 cents situated at Nariyaneri Village, Thirupathur Taluk and District from one Mr.Govindarajan, Mr.R.Karthi and Mr.R.Bharathi. The said property originally belonged to one Mr.Duraisamy, who acquired it by way of sale deed dated 13.12.1984 registered as doc.No.3866 of 1984 for a valid sale consideration. The said Mr.Govindarajan is the son of the said Mr.Duraisamy and the said Mr.R.Karthi and the said Mr.R.Bharathi are the grandsons of the said Mr.Duraisamy through his daughter. The said Duraisamy died on 05.11.1999. The daughter of the said Mr.Duraisamy - Mrs.Maragatham



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died on 09.2.2005. The wife of the said Mr.Duraisamy - Mrs.Padma died on 02.2.2019. When the sale deed in respect of the said property was presented by the petitioner on 09.10.2024 for registration, the second respondent refused to register the same and issued the impugned refusal check slip on the ground that the legal heirship certificate with regard to the said Mr.Duraisamy was not produced. Hence the writ petition.

4. In the considered view of this Court, the second respondent overlooked the legal heirship certificate of one Mrs.Padma - the wife of the said Mr.Duraisamy, which clearly sets out the details of the legal heirs. It is the very same persons, who are the legal heirs of the said Mr.Duraisamy. Hence, the reason for refusing to register the sale deed presented by the petitioner is a mechanical one and suffers from non application of mind.

5. Accordingly, the writ petition is allowed, the impugned refusal check slip is set aside and the second respondent shall register the sale deed presented by the petitioner within a period of two weeks from the date of its representation. No costs.



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P.T.ASHA,J

RS

To

1. The District Registrar
Thirupathur District.
2. The Joint II Sub Registrar
Thirupathur District.

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