



W.P(MD)No.7174 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7174 of 2024

Senthilmurugan

... Petitioner

Vs.

The Sub-Registrar,
Kadayanallur Sub Registrar Office,
Kadayanallur,
Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned Refusal check slip in Refusal number. RFL/ Kadayanallur /18/2024 dated 14.03.2024 issued by the respondent and quash the same as illegal and unconstitutional, consequently direct the respondent to forthwith register and release the Deed of relinquishment presented by petitioner and other co-executants on 14.03.2024 with reference to online acknowledgement No.TP/177108260/2024 within the time frame as fixed by this Court.

For Petitioner : Mr.S.Balamurugan

For Respondent : Mr.S.Shanmugavel,
Addl. Government Pleader.



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ORDER

Heard both sides.

2.The petitioner and his siblings want to release their share in the petition mentioned property in favour of their mother / Veluthaai. The release deed was presented for registration. The respondent declined to register the same on the ground that the parent documents have not been produced. To this effect, refusal check slip was issued. Challenging the same, this writ petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned refusal check slip and granted relief as prayed for.

4.The learned Additional Government Pleader submitted that the petitioner must satisfy the registering authority that he is competent to present the document. In this case, the documents are having discrepancies. He called



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upon this Court to sustain the impugned refusal check slip and dismiss the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. The petitioner's case is that the property originally belonged to one Vellaiappa Thevar, who is none other than his grandfather. Vellaiappa Thevar's father name is Kottura Thevar. Patta enclosed in the typed set of papers stands in the name of Vellaiappa Thevar and Kottura Thevar. The death certificate of Vellaiappa Thevar has been produced. It is can seen from the legal heir certificate that Mariappan is figuring as one of the legal heirs of the said Vellaiappa Thevar. The said Mariappan is none other than the petitioner's father. Of course, in the death certificate of Mariappan, his father's name has been mentioned as Vellaidurai. This is the discrepancy. But from a comparison of the address given, I am satisfied that the petitioner's case is genuine. The address given in the death certificate of Mariappan is Bharathiyar Street. The address given in the legal heir certificate of Vellaiappa Thevar is also Bharathiyar Street, Chokkampatti Village. I am satisfied that the petition mentioned property is the ancestral property of the petitioner's family.



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6. In this view of the matter, the impugned refusal check slip is quashed.

The petitioner is permitted to re-present the document along with his siblings.

It shall be received, registered and released subject to fulfilment of other usual formalities. This writ petition is allowed. No costs.

22.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Sub-Registrar,
Kadayanallur Sub Registrar Office,
Kadayanallur,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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