



W.P.(MD)No.15288 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15288 of 2022

1. Radharukman

2. P.Shivashangari

... Petitioners

Vs.

1. The Inspector General of Registration,
Registration Department,
Santhome,
Chennai-600 028.

2. The District Registrar,
District Registrars Office,
Court Complex,
Cantonment, Trichy-620 001.

3. The Sub Registrar,
Manachanallur,
Manachanallur Taluk and Post,
Trichy District.

4.P.Asokan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorarified Mandamus, calling for the



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records of the 3rd respondent in his order of refusal RFL/Manachanallur/183/2022 dated 15.06.2022, to quash the same and consequently to direct the 3rd respondent to register the lease deed executed by the petitioners in favour of the 4th respondent and for other reliefs.

For Petitioners	: Mr.K.S.Vamsidhar
For R1 to R3	: Mr.P.Subburaj Special Government Pleader
For R4	: No appearance

ORDER

Challenging the refusal check slip dated 15.06.2022 refusing to register the lease deed presented by the petitioners for registration, this writ petition has been filed.

2. Heard both sides and perused the materials available on record.

3. It is the case of the petitioners that the property in question is belonged to one Panneerselvam, who is the husband of the first petitioner and the father of the second petitioner. He executed a Will on 02.02.2021 in favour of the petitioners under which he bequeathed the property to the petitioners and he died on 01.03.2021 leaving behind the petitioners as his legal heirs. When the



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petitioners presented the lease deed, the same was refused to register on the ground that they tried to lease the share of the mother of the said Panneerselvam.

Hence, seeking a direction, the petitioner filed this writ petition.

4. The document presented was only a lease deed. The co-owner also entitled to lease the property. Whether all the co-owners have given consent or not is not a matter germane for consideration, when the lessee is prepared to take the land on lease, it is his risk. Therefore, the impugned order refusing to register the document citing one of the legal heir is not joined cannot be sustained and the same is liable to be set aside.

5. Accordingly, this writ petition is allowed and the impugned order is set aside. The third respondent/Sub Registrar is directed to register the document submitted by the petitioners. No Costs.

13.08.2024

(2/2)

NCC : Yes/No
Index : Yes/No
PJJ



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N.SATHISH KUMAR, J.

PJL

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