



W.P(MD)No.19076 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19076 of 2022

Visalakshi

... Petitioner

Vs.

1.The District Registrar,
Pudukkottai District,
Pudukkottai.

2.The Sub Registrar,
Gandarvakottai,
Gandarvakottai Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call records relating to the impugned order in Refusal No.RFL/Gandarvakottai/23/2022 dated 22.04.2022 on the file of the 2nd respondent and quash the same and further directing the 2nd respondent to register the sale deed dated 19.04.2022 executed by the petitioner.

For Petitioner : Mr.K.C.Maniyasu

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



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ORDER

Heard both sides.

2.The property belonged to one Rani. She passed away on 15.11.2012. Rani is said to have executed a Will bequeathing the petition mentioned property in favour of Subramanian, her brother. Subramanian executed power of attorney in favour of his wife / Visalakshi authorizing her to sell the property. On the strength of the said power of attorney, Visalakshi executed sale deed dated 19.04.2022 in favour Devi. The registering authority declined to register the document and instead issued refusal check slip. The petitioner had been called to prove the Will executed by Rani. Challenging the said stand taken by registering authority, the present writ petition came to be filed.

3.Prima facie, I am not inclined to fault the stand taken by the registering authority. I called upon the learned counsel for the petitioner to produce the legal heirship certificate of the deceased Rani. Such certificate has not been enclosed in the typed set of papers. Without upsetting the impugned order, I permit the petitioner to approach the registering authority once again. The petitioner can re-present the petition mentioned sale deed. While so re-presenting, the petitioner has to produce the death certificate as well as legal



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their certificate of Rani whose Will is being relied upon by the petitioner. If Rani has left behind any other class II legal heir apart from Subramanian, their consent must be obtained by the petitioner. They shall appear in person or in other appropriate mode before the registering authority and if they accept the genuineness of the Will, the registering authority shall register the document subject to fulfilment of other usual formalities. If any other legal heir of the deceased Rani raised objection challenging the genuineness of the Will, the petitioner will have to necessarily prove the same before the jurisdictional Civil Court. Based on the decree or order to be passed by the jurisdictional Civil Court, the right of the parties will abide and the registering authority will act in terms thereof.

4.This writ petition is disposed of accordingly. No costs.

18.03.2024

NCC : Yes/No

Index : Yes / No

Internet : Yes/ No

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To:-

1.The District Registrar,
Pudukkottai District,
Pudukkottai.

2.The Sub Registrar,
Gandarvakottai,
Gandarvakottai Taluk,
Pudukkottai District.



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G.R.SWAMINATHAN, J.

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