



W.P(MD)No.22509 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.22509 of 2023

P.Muniyandi

... Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Madurai South, Madurai.

2.The Sub Registrar,
Usilampatti Sub Registrar Office,
Usilampatti, Madurai 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 for the records relating to the impugned refusal check slip in Refusal Number:RFL/Usilampatti/4/2023, dated 16.03.2023 issued by the 2nd respondent and quash the same as illegal and consequently, to direct the 2nd respondent to register the family partition deed dated 17.11.2022 and release the same within the time stipulated by this Court.

For Petitioner : Mr.M.Kaliraj

For Respondents : Mr.C.Satheesh,

Government Advocate



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ORDER

Challenge has been made to the refusal check slip issued by the 2nd respondent dated 16.03.2023.

2. According to the petitioner, the property in Survey No.226/5 situated at Manuthu Village, Usilampatti Taluk, Madurai District, is the ancestral property of the petitioner. On 17.11.2022, the property in question has been partitioned between the family members of the petitioner. When the same was presented for registration, the 2nd respondent, vide refusal check slip dated 16.03.2023, refused the same for want of production of a death and legal heir certificates for the reason that the name of the petitioner's father alone is found in the 'A' register. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the petitioner would submit that after the death of the petitioner's father, patta transferred in the name of the petitioner and his brothers and revenue records are also mutated in their name.



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4. At the outset, this Court is of the view that mere insistence of the production of the legal heir certificate is unnecessary. When all the legal heirs joined together and entered into a partition deed, it is the duty of the Sub Registrar to register the same. Even assuming that any of the legal heirs have not joined in the partition deed, they will workout their remedy in the civil Court seeking separate share. Therefore, the refusal made by the 2nd respondent dated 16.03.2023 is quashed. The 2nd respondent is directed to register the partition deed presented by the petitioner, within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is allowed. No costs.

30.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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N.SATHISH KUMAR, J

Yuva

To

- 1.The District Registrar,
Department of Registration,
Madurai South, Madurai.
- 2.The Sub Registrar,
Usilampatti Sub Registrar Office,
Usilampatti, Madurai District.

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