



W.P(MD)No.24739 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24739 of 2022

and

W.M.P.(MD)No.13795 of 2023

P.Chittu

... Petitioner

Vs.

The Sub Registrar,
Vadipatti,
Madurai District.

... Respondent

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 proceedings of the respondent made in Refusal Cheque Slip No. RFL/Vadipatti/1/2022 dated 10.10.2022 and quash the same and consequently direct the respondent to register the sale deed dated 23.09.2022 executed by the petitioner.

For Petitioner : Mr.M.Suresh Kumar

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader



W.P(MD)No.24739 of 2022

ORDER

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Heard both sides.

2. The property in question belonged to Ramayee. The said Ramayee is no more. She died leaving behind as many as six legal heirs. A copy of the legal heir certificate has been enclosed at Page No.13 of the typed set of papers. It is seen that the petitioner was one of the six legal heirs. Partition does not appear to have taken place among the legal heirs. The petitioner is therefore entitled to 1/6th undivided share in the said property. The petitioner wants to alienate her undivided 1/6th share. The second respondent declined to entertain the document and instead issued the impugned refusal check slip.

3. The reason set out in the impugned refusal check slip is patently ill-founded. If the petitioner has already dealt with her undivided 1/6th share, then respondent will be justified in declining to entertain the document at the instance of the petitioner. Such is not the case here. Admittedly, the petitioner has not so far disposed of her undivided 1/6th share.

4. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. If the petitioner proposes to alienate her undivided 1/6th share alone, such a document shall be received, registered and released subject to fulfillment of other usual formalities.



W.P(MD)No.24739 of 2022

WEB COPY

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2024

Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Vadipatti,
Madurai District.



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W.P(MD)No.24739 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.24739 of 2023

21.02.2024