



W.P.(MD)No.24885 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24885 of 2024

Maimoon Beevi

. . . Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Melur (West),
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 pertaining to the impugned refusal check slip made in RFL/Melur (West)/18/2024 passed by the respondent dated 09.09.2024 and quash the same and consequently direct the respondent to register the sale deed presented by the petitioner dated 09.09.2024 within the time stipulated by this Court.

For Petitioner : Mr.PR.Prithiviraj
For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



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2. Mr.P.Subbaraj, learned Special Government Pleader, accepts notice on behalf of the respondent.

3. Challenging the refusal check slip issued by the respondent, this writ petition has been filed.

4. It is the case of the petitioner that she presented the document for registration in respect of the subject property, the respondent refused to register the same citing that her husband's name is not tallied with. It is the contention of the petitioner that her husband's name is originally Karuppaiah, at his young age, he converted to Muslim community and his name was changed as Abdul Rahuman. Thereafter, he married the petitioner. Due to illiteracy, his name has not been changed, however, the legal heirship certificate issued to the petitioner clearly shows that the petitioner and her six children are the legal heirs of said Karuppaiah. Hence, the impugned refusal check slip issued by the respondent on the ground that in the petitioner's aadhar card, her husband's name has been reflected as Abdul Rahuman, is not sustainable.



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5. Heard both sides and perused the entire materials. The main objection of the respondent is that the name of the petitioner's husband is Abdul Rahman, whereas the deed presented by the petitioner, it has been shown as Karuppaiah, on that ground, the document presented by the petitioner was refused. It is relevant to note that the legal heirship certificate issued by the Tahsildar, wherein it clearly shows that the petitioner and her six children are the legal heirs of said Karuppaiah. When the legal heirship certificate was issued after proper verification, merely because of the name of the petitioner husband has not been changed in her aadhar card is not ground for refusing such document.

6. In view of the above, the refusal check slip issued by the respondent in RFL/Melur(West)/18/2024, dated 09.09.2024 is hereby set aside and this Writ Petition is **allowed**. The respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order. No costs.

22.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



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N.SATHISH KUMAR, J.

Rmk

To
The Sub Registrar,
Sub Registrar Office,
Melur (West),
Madurai District.

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