



W.P (MD).No.27706 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.27706 of 2024

M.Dhayalan

... Petitioner

Vs.

1.The District Registrar,
Periyakulam,
Theni District.

2.The Sub Registrar,
Bodinayakanur,
Theni District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent made in Refusal Check Slip in RLF/Bodinayakanur/26/2024 dated 27.06.2024 and quash the same and consequently direct the second respondent to register the sale deed in respect of the property to an extent of 0.18.0 hectare (44.46 cents) in Survey No.1262/1, 0.18.0 hectare (44.46 cents) in Survey No.1262/2 and 0.88.5 Hectare (2 Acre and 18.59 Cents) in Survey No.1262/3 and total extent of land is 3 Acre and 08 cent and to an extent of 0.47.5 Hectare (1 Acre 17 cents) comprised in Survey No.1230/1, situated in Anaioaipulam, Kottakudi Village, Periyakulam Registration District, Bodinayakanur Sub-District in Theni District.



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For Petitioner : Mr.S.Arjun

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent, dated 27.06.2024, thereby, refused to register the sale deed in respect of the subject property for registration.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The property comprised in Survey No.1262/1, to an extent of 0.18.0 hectare, the property comprised in Survey No.1262/2 to an extent of 0.18.0 hectare and the property comprised in Survey No.1262/3 to an extent of 0.88.5 hectare and total extent of 3 acre and 08 cents has been purchased by the petitioner from the three legal heirs of one Nasaroli. The said property was originally owned by the mother of the said Nasaroli namely Salika Beevi, in turn, who settled the same by way of settlement deed dated 20.11.2008 vide



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document No.4959 of 2008 in favour of the said Nasaroli. The said Nasaroli also derive title to a property to an extent of 0.47.5 hectare comprised in Survey No.1230/1 situated at Anaiodaipulam, Kottakudi Village, Periyakulam Registration District through a partition. While being so, the said Nasaroli died on 14.07.2020 leaving behind his legal heirs namely, his wife, son, daughter and his mother. Thereafter, the petitioner purchased the property in respect of 3/4 share from the three legal heirs of the deceased Nasaroli except his mother. Subsequently, his mother Salika Beevi also died on 22.09.2022. The petitioner intended to purchase his share from the three legal heirs of Nasaroli and they had executed a sale deed in favour of the petitioner and presented for registration. It was refused to register on the ground that the legal heirship certificate of the Salika Beevi to be produced. The second respondent has rightly refused to register the sale deed on the ground that the legal heirship of the deceased Salika Beevi to be produced to ascertain the rights of the other legal heirs.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent and this writ petition is devoid of merits and it is liable to be dismissed.



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6. Accordingly, the writ petition is dismissed. No costs. The petitioner is at liberty to represent the sale deed for registration after obtaining the legal heirship certificate of deceased Salika Beevi and obtain the consent from other legal heirs, if any.

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order
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20.11.2024

To

1.The District Registrar,
Periyakulam,
Theni District.

2.The Sub Registrar,
Bodinayakkanur,
Theni District.



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G.K.ILANTHIRAIYAN, J.

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