



W.P.(MD)No.31002 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.12.2024**

CORAM:

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

W.P.(MD)No.31002 of 2024

M.S.Krishna Rao

... Petitioner

/Vs./

The Sub Registrar ,
Paramakudi Taluk,
Ramanathapuram District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned refusal check slip in RFL/Paramakudi/43/2024 dated 05.12.2024 on the file of the respondent and quash the same and further directing the respondent to receive and register the Partition deed executed between the petitioner and brothers dated 05.12.2024.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.S.P.Maharajan

Special Government Pleader



W.P.(MD)No.31002 of 2024

WEB COPY

ORDER

Challenging the impugned refusal check slip issued by the respondent dated 05.12.2024, thereby refused to register the partition deed, which was presented for registration, this writ petition is filed.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner's father, M.K.Srinivasa Iyer, got married to one Sundaravalli. After her demise, he got married to her sister, namely, Kadambavalli. Through his first wife, he gave birth to a daughter by name Indira. Through his second wife, he gave birth to four sons and three daughters. The petitioner is one of the four sons born through the second wife. His father died in the year 2000 leaving behind the petitioner along with three brothers and two sisters as his legal heirs. During his lifetime, he owned six houses bearing D.Nos.4/12, 4/15, 4/16, 4/16A, 4/16B situated at Emaneswaram Town, Paramakudi Taluk, Ramanathapuram District. While he was alive, he executed a will dated



W.P.(MD)No.31002 of 2024

26.06.1998 bequeathing the said property in favour of the petitioner and his brothers. After his demise, the petitioner and his three brothers decided to partition the subject property and executed a partition deed on 05.12.2024. Thereafter, it was presented for registration. The respondent refused to register the same on the ground that the subject property is an inherited property and whether the petitioner's father alone is the only legal heir of his father is not known without production of the legal heirship certificate of the petitioner's grandfather and also the death certificate.

4. Admittedly, the will was executed in favour of the petitioner and his brothers in respect of the subject property by the petitioner's father. The petitioner's father derived title from his father namely, Moorthiamma M.K.Seenivasayyar. When the petitioner's father was alive, he, after death of his father, namely, Moorthiamma M.K.Seenivasayyar, mutated the revenue records in his name. Therefore, he had executed a will. Therefore, the revenue records were mutated in the name of the petitioner's father and he executed a will in favour of the petitioner and his brothers. That apart, there is no rival claim or



W.P.(MD)No.31002 of 2024

WEB COPY

objection from anybody claiming to be the legal heir of the petitioner's father, namely, M.K.Srinivasa Iyer. Therefore, the petitioner's father alone is the legal heir of the said Moorthiamma M.K.Seenivasayyar.

5. In view of the above, there is no impediment for the respondent to register the partition deed executed by the petitioner and his brothers and the impugned refusal check slip is liable to be quashed. Accordingly, the impugned refusal check clip dated 05.12.2024 issued by the respondent is hereby quashed. On presentation of the partition deed, the respondent is directed to register and hand over the same, if it is otherwise in order. This writ petition is allowed accordingly. No costs.

20.12.2024

Index : Yes / No
NCC : Yes / No
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W.P.(MD)No.31002 of 2024

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TO:-

The Sub Registrar ,
Paramakudi Taluk,
Ramanathapuram District.



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W.P.(MD)No.31002 of 2024

G.K.ILANTHIRAIYAN, J.

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Order made in
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Dated:
20.12.2024