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W.P.No.597 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 597 of 2025
&
W.M.P.No. 731 of 2025

Ammasaiyathal

...Petitioner

Vs.

The Sub Registrar
Sub Registrar Office
Avinashi
Tiruppur District

...Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order made in refusal check slip vide refusal no RFL /Avinashi / 52 / 2023 dated 17.05.2023 by the respondent and to quash the same as illegal, aribtirary, without the authority of law and consequently, direct the respondent to register the sale deed dated 17.05.2023.



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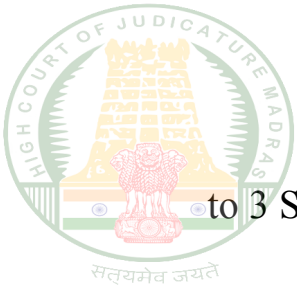
For Petitioner : Mr. G.C. Nelson Britto
For Respondents : Mr. M.Shahjahan
Special Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To call for the records relating to the order made in refusal check slip vide refusal no RFL /Avinashi / 52 / 2023 dated 17.05.2023 by the respondent and to quash the same as illegal, arbitrary, without the authority of law and consequently, direct the respondent to register the sale deed dated 17.05.2023”.

2. The larger extent of the property originally belonged to one Avinasiyappa, the petitioner's husband. After the demise of the said Avinasiyappa, the petitioner and her two sons entered into a partition deed vide Doc.No.662 of 2001. The said property were partitioned in



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to 3 Schedules (i.e., A, B and C).

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3. Thereafter, one of the legal heir, namely Marappan passed away on 03.02.2020, leaving behind his surviving legal heirs, his mother, the petitioner and his two daughters, Poongodi and Gokilavani. The petitioner states that she is entitled to a 1/3rd share, measuring an extent of 44 cents, in the said Marappan's property. The petitioner decided to sell her share to one of the legal heir of the deceased Marappan, namely Poongodi.

4. Accordingly, the petitioner presented a sale deed on 16.05.2023, in favour of Poongodi, for a sale consideration of a sum of Rs.5,32,100/-. However, the respondent issued a refusal check slip stating that one of the legal heir of Marappan, Gokilavani sold an extent of 58.67 cents in the subject property. It is the case of the petitioner that though 58.67 cents have been sold, the petitioner is entitled to 44 cents which is still remains with her. Aggrieved by the same, the petitioner is before this Court.



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5. Heard the learned counsels on the either side and perused the records.

6. From the records, it is seen that the property allotted to the said Marappan, measures an extent of 1.32 acres. Accordingly, the petitioner who is one of the legal heir of the deceased Marappan, entitled to an extent of 44 cents in the said property. However, the respondent refused to register the sale deed stating that one of the legal heir of the deceased Marappan has already sold the properties. The respondent failed to appreciate the fact that the property in question is of a larger extent, out of which only a portion has been sold and the other extent still remains. Therefore, there is no impediment to register the document with regard to the remaining extent.

7. The Writ Petition is allowed. The impugned refusal check slip is quashed. The respondent is directed the register the document, within a period of 2 weeks from the date of receipt of a copy of this



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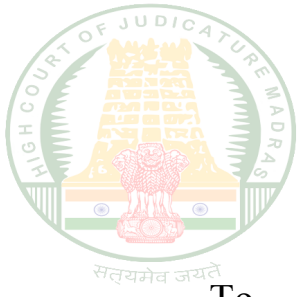
order. Consequently, the connected miscellaneous petition is closed.

No costs.

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Index : Yes/No
Internet : Yes/No
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To
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The Sub Registrar
Sub Registrar Office
Avinashi
Tiruppur District



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P.T. ASHA, J,

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