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W.P.No.1199 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1199 of 2025

S.Vijayakumar

... Petitioner

Vs.

1. The Inspector General of Registration,
Registration Department,
Santhome, Chennai.

2. The Sub Registrar,
Sub Registrar Office of Alandur,
Alandur, Chennai - 600 016.

3. R.Maya Devi
4. B.Murali Krishnan

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, directing the 2nd respondent to release by registering the Sale Deed dated 12.12.2023 executed by the 4th respondent in favour of the petitioner in Doc.No.P/Alandur/197/2023 in Receipt No.9444/2023 by considering the representation of the petitioner dated 19.11.2024 within the time limit fixed by this Court.



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For Petitioner : Mr.V.K.Bhuvaneshwar
For R1&R2 : Mr.P.Harish,
Government Advocate

ORDER

Aggrieved by the fact that the second respondent had refused to release the sale deed dated 12.12.2024 executed by the 4th respondent in favour of the petitioner, the petitioner is before this Court.

2. The facts in brief are that the 4th respondent is the petitioner's mother's vendor who was in possession of the subject property. The patta in respect of the properties stood in her name as on 02.03.2009. Thereafter, the revenue records and other documents such as computer Patta, Water Tax Receipts, Property Tax Receipts and E.B.Service Cards and Bills relating to the subject property issued by the Competent Authorities were transferred in favour of the petitioner. The third respondent with an illegal intent to thwart the sale transaction issued a Protest Petition-cum-notice dated 21.11.2023 to the second respondent. Subsequently, the subject sale deed dated 12.12.2023 was executed by the 4th respondent/vendor in favour of the petitioner. Prior to sending protest petition, the third respondent had lodged a police complaint in CSR.No.570 of 2023 against the 4th respondent. When the sale deed was presented before the second



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respondent, the second respondent referring to this protest petition has kept the registration pending. Therefore, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. The property in question admittedly belong to the fourth respondent who is a Hindu female and the third respondent is her daughter. In case of a Hindu female, the concept of an ancestral property is not present as in the case of a Hindu male. It is only when a Hindu female dies intestate that the property would devolve upon her legal heirs as set out in Section 15 of the Hindu Succession Act.

5. In the instant case, the third respondent is attempting to claim the right of the property of her mother even while her mother was alive. Except for the protest petition there is no orders of the Court which impedes the second respondent from registering the sale deed. Therefore, the Writ Petition is allowed and a direction is issued to the second respondent to register the sale deed dated 12.12.2023 executed by the fourth respondent in favour of the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

22.01.2025

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To :

1. The Inspector General of Registration,
Registration Department,
Santhome, Chennai.
2. The Sub Registrar,
Sub Registrar Office of Alandur,
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P.T. ASHA. J.,

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