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W.P.No.635 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. 635 of 2025
&
W.M.P.No. 779 of 2025

1.S.Tamilselvi

2.Priyadharshini

3.Preetha

4.Kiruthika

...Petitioners

Vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Mohanur,
Namakkal District.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, to call for the records leading to the impugned refusal check slip no. RFL/Mohanur/219/2024 dated 09.12.2024 issued by the 1st respondent and quash the same and



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consequently direct the 1st respondent to register the receipt dated 02.12.2024 presented for registration.

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For Petitioner : Mr. G.Jagadish

For Respondent : Mr. B.Vijay
Additional Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To call for the records leading to the impugned refusal check slip no. RFL/Mohanur/219/2024 dated 09.12.2024 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to register the receipt dated 02.12.2024 presented for registration”.

2. Challenging the refusal to register the receipt evidencing the discharge of mortgage, the petitioners are before this Court. The facts are briefly set out herein below.



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3. One Kuppusamy son of Keppan, executed a registered mortgage deed dated 16.11.2021 in favour of the petitioner's late husband Subbarayan, which is registered as Doc.No.2639/21 on the file of the respondent herein. Since the said Kuppusamy discharged entire mortgage money with interest, the petitioners as legal representatives of the said Subbarayan had executed a receipt which was presented in the office of the Sub Registrar, Mohanur, on 09.12.2024.

4. However, the Sub Registrar, Mohanur, had returned the impugned refusal check slip for the following reasons:

(i)The executants of the documents are all to be present before the Sub Registrar, Mohanur.

(ii)Kandhasamy, one of the legal representatives of Subbarayan has not signed the receipt and has not appeared in person before the respondent. The respondent directed all the legal heirs to execute the receipt.



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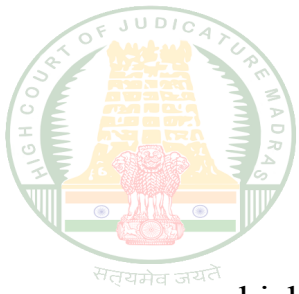


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5. Challenging the same the petitioners are before this Court.

6. The learned counsel for the petitioners would submit that the said Kandhasamy, who is shown in the legal representatives certificate, is the father of the deceased Subbarayan, who is not a Class I legal heir of the late Subbarayan. The petitioners who are the wife and children and Class I heirs of Subbarayan have executed the receipt. The 2nd petitioner Priyadharshini, has executed a power of attorney in favour of her mother, the 1st petitioner and the 1st petitioner has executed the receipt both for herself and as a power of attorney of the 2nd petitioner. Therefore, the grounds on which the respondent has refused to register the deed is one without any legal basis.

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



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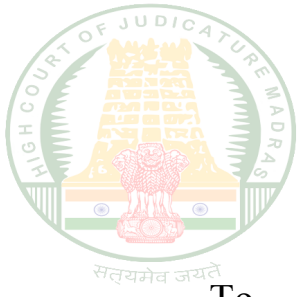
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8. As rightly submitted by the petitioners, the two grounds on which the refusal has been made is all parties have not signed the document. The 2nd petitioner is represented by the 1st petitioner her mother and her power agent and the 1st petitioner has signed for herself and for the 2nd petitioner as a power agent. The second ground i.e., the said Kandhasamy, who is shown as a legal heir in the legal heirship certificate has not signed the receipt in question. The said Kandhasamy is the father of the deceased Subbarayan and he is not a Class I heir as set out in the Hindu Succession Act. Therefore, both these grounds fails.

The Writ Petition is allowed. The respondent is directed to register the document, within a period of 2 weeks from the date of receipt of a copy of this 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,
Office of the Sub-Registrar,
Mohanur,
Namakkal District.



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P.T. ASHA, J,

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