



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4195 of 2025

1.G.Tamilarasan

2.G.Rohan

... Petitioners

Vs.

1.The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road, Chennai 28.

2.The Joint Sub Registrar No.1,
No.1, Joint Sub Registration Office,
Kallakurichi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records of the respondent in Refusal Check Slip in RFL/No.1 Joint Sub Registrar Kallakuruchi / 47/2024 dated 30.09.2024 and quash the same as illegal and arbitrary and in consequence thereof direct the respondents to receive and register the sell deed dated 30.09.2024 executed by the petitioners without insisting to get the order from the Civil Court.

For Petitioner : Ms.Athiniveda

For Respondents : Mr.B.Vijay
Additional Government Pleader



ORDER

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This writ petition has been filed challenging the refusal Check Slip issued by the 2nd respondent dated 30.09.2024 and for a consequential direction to the 2nd respondent to register the Sale Deed dated 30.09.2024 executed by the petitioner.

2.Heard Ms.Athiniveda, learned counsel appearing on behalf of the petitioners and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of respondents.

3.The petitioners who are minors were represented by their mother and natural guardian and the property was purchased in their name through a registered Sale Deed dated 02.07.2020. For the purpose of maintenance of the minors, the guardian who is the mother wants to sell the property and accordingly, a Sale Deed was executed on 30.09.2024. This document was presented for registration and the 2nd respondent refused to register the document on the ground that the mother has to get proper permission from the Court and thereafter, sell the property. Accordingly, a refusal Check Slip was issued and the same has been put to challenge in the present writ petition.



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4. In the considered view of this Court, the property was purchased in the name of the minors by the mother who is the natural guardian. The petitioners continued to be minors and the mother wants to sell the property for the up keep and maintenance of the minors. It is not necessary for the 2nd respondent to insist for an order from the District Court to deal with the property. Considering the relationship between the parties, it is not necessary for the 2nd respondent to get into this issue.

5. In view of the above, it is left open to the petitioners to resubmit the document for registration and the same shall be registered by the 2nd respondent, if it is otherwise in order.

6. In the result, this writ petition stands allowed with the above directions. No Costs.

13.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road, Chennai 28.



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N. ANAND VENKATESH, J.

SSR

2.The Joint Sub Registrar No.1,
No.1, Joint Sub Registration Office,
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