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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4539 of 2025

V.T.V.Thillainathan

..Petitioner

Vs.

1. The state of Tamil Nadu Represented by
its Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai 600 009

2. Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Santhome, Chennai 600 004.

3. The Sub Registrar,
Sub-Registration Office, Purasaiwalkam,
Chennai 600 023.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call or the records culminating in the Refusal Check slip' bearing ref. RFL/Purasawalkam/12/2025 dated 23.01.2025, issued by the 3rd respondent and quash the same and consequently direct the 3rd respondent to register the Settlement deed dated 23.01.2025 bearing ref. TP/205595178/2024, presented for registration to the Sub-Registrar,



Purasawalkam on 23.01.2025.

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For Petitioner : Mr.Bijesh Thomas

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the refusal check slip issued by the 3rd respondent dated 23.01.2025 and for a consequential direction to the 3rd respondent to register the Settlement deed dated 23.01.2025 executed by the petitioner in favour of his sister.

2. Heard Mr.Bijesh Thomas, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for Respondents 1 to 3.

3. The case of the petitioner is that the property originally belonged to one Sivasekaran, who is the brother of the petitioner. He died as a bachelor in the year 2022. The other two brothers also died in the years 2014 and 2020 respectively. Hence, the petitioner and his sister are the only two surviving class II legal heirs. The petitioner wanted to settle his $\frac{1}{2}$ share in favour of his sister.



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Accordingly, a settlement deed dated 23.01.2025 was executed by the petitioner and when the same was presented for registration, the same was refused to be registered by the 2nd respondent by issuing impugned check slip on the ground that the petitioner has only $\frac{1}{4}$ share in the property. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the petitioner and his sister are the class II legal heirs, who are added in entry 2 in the schedule to the Hindu Succession Act, 1956. Hence, they will replace all the other legal heirs who fall under the class II legal heirs and who are found in subsequent entries. Therefore, there was no reason for the 3rd respondent to have rejected the settlement deed.

5. In the light of the above discussion, the impugned order bearing ref. No.RFL/Purasawalkam/12/2025 dated 23.01.2025, is hereby quashed and there shall be a direction to the 3rd respondent to entertain the settlement deed dated 23.01.2025 and register the same if it is otherwise in order.



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6. This writ petition is allowed with the above directions. No costs.

18.02.2025

Index : Yes/No

Internet : Yes/No

Speaking Order / Non Speaking Order

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To

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N. ANAND VENKATESH, J.
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