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W.P.No.11744 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.11744 of 2025

Santhi

... Petitioner

Vs

1.The District Registrar (Administration)
District Registration Office
Thiruvallur
Thiruvallur District.

2.The Sub Registrar
Registration Department
Avadi
Thiruvallur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned refusal check slip issued by the second respondent vide Refusal No.RFL/Avadi/20/2025 dated 25.03.2025 and to quash the same as illegal and consequently direct the second respondent to receive and register the release deed dated 25.03.2025 presented by the petitioner and release the same as per the Registration Act, 1908, within the time frame as fixed by this Court.



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For Petitioner : Mr.J.Ramesh

For Respondents : Mr.U.Baranidharan
Special Government Pleader [R1 & R2]

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the second respondent dated 25.03.2025 and for a consequential direction to the second respondent to receive and register the release deed dated 25.03.2025 presented by the petitioner and to release the same.

2. Heard Mr.J.Ramesh, learned counsel appearing for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for respondents.

3. The property originally belonged to one Sivalingam by virtue of a registered sale deed, registered as Document No.3175/1998. The said Sivalingam died on 30.08.2008, leaving behind his wife, two daughters and two sons. The wife of Sivalingam also died on 08.08.2024. Similarly, one of his daughters Sridevi also died on 17.10.2022. Thereafter, the other legal heirs came forward to execute the release deed in favour of the petitioner on 25.03.2025 by releasing their share in the property. When the same was presented for registration before



the second respondent, the second respondent refused to register the document on the ground that since the deceased Sridevi has a share in the property and she has left behind her husband as the legal heir, he must also be made a party to the release deed.

4. In the considered opinion of this Court, the view taken by the second respondent is unsustainable. In the instant case, there is no dispute with regard to the fact that the property was inherited by the said Sridevi from her father. Hence, Section 15(2)(a) of the Hindu Succession Act will come into play. The said provision makes it clear that the property left behind by a Hindu female does not lose the real source from which the deceased female had inherited the property. Once the property is inherited from her parents by a Hindu female, and she dying intestate, the property would go back to the other heirs of her parents, unless the deceased Hindu female has any children. In the present case, the said Sridevi did not have any children and Section 15(1)(a) will not have any application, since she had inherited the property from her father. Therefore, the property will go back to the brothers and sister of the deceased Sridevi. In view of the same, there is no need for the husband of the said Sridevi, to be made as a party in the release deed, since her husband has no share in the said property.



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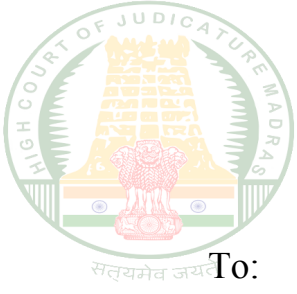
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5. In the light of the above discussion, the impugned refusal check slip dated 25.03.2025 issued by the second respondent is hereby quashed and there shall be a direction to the second respondent to register the release deed presented by the petitioner, if it is otherwise in order.

6. In the result, this writ petition is allowed with the above directions. No costs.

04.04.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ds



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To:

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N. ANAND VENKATESH., J

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