



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.07.2025

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.21954 of 2025

1. V. Ravichandran
2. Amirthavalli
3. Kanagasabapathy
4. Rathnasabapathy

...Petitioners

Vs

- 1.District Registrar,
Gobichettipalayam District
Registration Office,
Integrated Registration Complex,
81, Old Hospital Road,
near Market, Gobichettipalayam,
Erode District 638 452.
- 2.The Sub-Registrar, Thookanaicken
Palayam,
Thookanaicken Palayam Sub Registrar Office,
23/7, Kamarajar Street, Thookanaickenpalayam,
Gobichettipalayam,
Erode District 638 506.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent made in RFL/Thookanaicken Palayam/9/2025, dated 21.02.2025 and quash the same and consequently direct the 2nd respondent to accept the sale deed dated 20.02.2025 for registration and register the same.



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For Petitioners : Mr. N. Kathiresan
for Mr.P.R.Balasubramanian

For Respondent : Mr. Abishek Murthy, GA
for R1 and R2

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the refusal slip, dated 21.02.2025, wherein, the sale deed which was sought to registered by the petitioner was refused to be registered on the premise that Mr. Ganesan, husband of Gowsalya was not present when the sale deed was presented.

3. It is submitted by the learned counsel for the petitioners that they are the joint owners of the property comprised in S.No.30/3, measuring an extent of 2.90 acres. The subject property originally belonged to petitioners' mother who died intestate on 24.06.1983, father of the petitioners also died on 08.11.1994. Petitioners' mother had five legal heirs namely, Kanagasabapathy, Rathnasabapathi, Ravichandran,



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Amirthavalli and Gowsalya. Gowsalya got married to Ganesan and passed away on 15.07.1996, intestate leaving behind her 1/5th share in her mother's property. As per Section 15(2)(a) of Hindu Succession Act, 1956, 1/5th share of Gowsalya's share in the property has to revert back to petitioners herein, who are the legal heirs. The husband of the deceased Gowsalya has no right, title or interest over the 1/5th share belonging to deceased Gowsalya. Petitioners executed a sale deed dated 20.02.2025 in favour of one Sengottuvelan in respect of a larger extent of land, all of which originally belonged to their mother, Bhagyalakshmi and presented the same for registration before the 2nd respondent. However, the same was returned by issuing impugned refusal slip dated 21.02.2025 on the premise that Gowsalya's husband – K.Ganesan was not present before the Registrar at the time of registration of the document.

4. Relying on Section 15(2)(a) of the Hindu Succession Act, learned counsel for the petitioners submitted that in terms of section 15(2)(a) after the demise of Gowsalya, property inherited from her mother will revert back to the heirs of Gowsalya's father and not to her husband. Husband of the deceased Gowsalya is not a legal heir in terms of Hindu Succession Act, 1956. Therefore, it is submitted that



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Gowsalya's husband Ganesan may not have any right over the subject property. However, when the document was presented for registration on 21.02.2025 before the second respondent, the same was returned by issuing the impugned return slip dated 21.02.0225 on the ground that presence of Gowsalya's husband viz., Ganesan at the time of registration of document was necessary. Hence, it is prayed for quashing the impugned return slip and direction to the respondent authorities to register the sale deed dated 20.02.2025.

5. Section 15 (2)(a) of the Hindu Succession Act, 1956 reads thus:

'15. General rules of succession in the case of female Hindus.

(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,

(1) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;

(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the mother.

(2) Notwithstanding anything contained in sub-



section (1),-

(a) any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred in sub-section (1) in order specified therein, but upon the heirs of the father; and'

It is seen that as per Section 15(2)(a) of Hindu succession Act, if a women dies intestate, any property inherited by her from her father or mother shall devolve only upon the heirs of her father.

6. When this was being pointed out, the learned Govt. Advocate appearing for the respondents would submit that the petitioners may represent the sale deed before the respondent authorities along with a note explaining their position and it is also open to him to make a reference to Section 15(2) of the Hindu Succession Act and in case of such submission is made, the same would be considered and thereafter the sale deed shall be registered, if it is, otherwise in order.

7. In the light of the above fact, the impugned refusal check slip issued by the second respondent dated 21.02.2025 is hereby quashed. The



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petitioners may resubmit the Sale Deed before the second respondent along with a note offering explanation to the refusal slip and rely on section 15 (2)(a) of the Hindu Succession Act. On such resubmission of the document, the second respondent shall register the sale deed, if it is otherwise in order. If for any reason, the respondent authority is of the view that the sale deed ought to be refused to register, he would do so after assigning reasons. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law.

8. With the above directions, this Writ Petition is disposed of. No costs.

10.07.2025

msr

Index : Yes/No

Internet: Yes/No

To

1.District Registrar,
Gobichettipalayam District
Registration Office,

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Integrated Registration Complex,
81, Old Hospital Road,
near Market, Gobichettipalayam,
Erode District 638 452.

2. The Sub-Registrar, Thookanaicken
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Thookanaicken Palayam Sub Registrar Office,
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MOHAMMED SHAFFIQ, J.

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