



WEB COPY



W.P.No.36175 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.36175 of 2025

B.Rathina Poosanam

... Petitioner

Vs.

The Joint Registrar II
Sub Registrar Office,
Chengalpattu.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Calling for the records of the Impugned order dated 28.08.2025, passed by the respondent as illegal and quash the same and direct the respondent to Register the settlement Deed dated 28.08.2025 presented by the petitioner

For Petitioner : Mr.S.Udhaya Kumar

For Respondent : Mr.P.Harish, GA



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ORDER

This writ petition has been filed challenging the impugned refusal slip dated 28.08.2025 issued by the respondent.

2. Mr.P.Harish, learned Government Advocate, takes notice on behalf of the respondent.

3. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

4. The learned counsel for the petitioner would submit that in this case, initially, the subject property was purchased by petitioner's son vide sale deed dated 21.11.2006. Subsequently, on 10.01.2013, he passed away leaving behind his mother and father as legal heirs. Since the subject property is self acquired by the deceased, the same was inherited to the Class-I legal heirs, i.e., petitioner/mother of the deceased. Thereafter, the petitioner executed a settlement deed, in respect of the subject property, in favour of her other sons/siblings of the



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deceased and presented the same before the respondent. However, due to the erroneous inclusion of the father name of the deceased in the patta of the subject property, the respondent had rejected the registration of aforesaid settlement deed deed on the ground that the father name of the deceased is also mentioned in legal heir certificate and hence, the petitioner alone is not entitled for the subject property.

5. Further, he would submit that father of the deceased will not come under the category of Class-I legal heir and hence, the petitioner is certainly have rights over the entire subject property. However, without considering the same, the respondent had rejected the registration of settlement deed vide refusal slip dated 28.08.2025 and hence, he requests this Court to quash the same.

6. In reply, the learned Government Advocate appearing for the respondent had confirmed the submissions made by the petitioner and hence, requests this Court to pass appropriate orders.



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7. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and also perused the materials available on record.

8. In the case on hand, the subject property was self acquired property of the petitioner's son, who passed away on 10.01.2013 leaving behind his mother (petitioner) and father as legal heirs. After his demise, the said property was inherited to the Class-I legal heir, i.e., petitioner/mother of the deceased and accordingly, the petitioner is entitled for entire subject property. Thereafter, the petitioner executed a settlement deed, in respect of the subject properties, to and in favour of her other sons, and presented the same before the respondent. However, due to the erroneous inclusion of the father name of the deceased in the patta of the subject property, the respondent had rejected the registration of aforesaid settlement deed on the ground that the father name of the deceased is also mentioned in legal heir certificate and hence, the petitioner alone is not entitled for the subject property.



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9. Normally, father of the deceased will not come under the category of Class-I legal heir. Since the deceased was not married, only the mother of deceased is entitled for entire subject property under Section 8 of the Hindu Succession Act, 1956. When such being the case, it is clear that the petitioner is certainly have rights over the entire subject property. However, without considering the same, the respondent had erroneously rejected the registration of settlement deed vide refusal slip dated 28.08.2025, which is liable to be set aside.

10. In view of the above, this Court is inclined to allow this petition. Accordingly, this writ petition is allowed. The impugned refusal slip dated 28.08.2025 is hereby set aside. The respondent is directed to register the settlement deed dated 28.08.2025, if it is re-presented by the petitioner. No cost.

22.09.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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KRISHNAN RAMASAMY.J.,

nsa

To

The Joint Registrar II
Sub Registrar Office,
Chengalpattu.

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22.09.2025