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WP.No.39914 of 2024

In the High Court of Judicature at Madras

Dated : 06.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39914 of 2024

Ayyakannu

Vs

...Petitioner

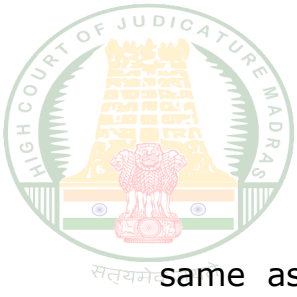
1.The Inspector General of
Registration, Office of the
Inspector General of
Registration, No.100,
Santhome Highway,
Pattinapakkam, Chennai-28.

2.The District Registrar
(Administration), Office of the
District Registrar, No.63/a,
Perumal Koil Street,
Near ICICI Bank, Pattanam,
Murungapakka,
Tindivanam-604001.

3.The Sub-Registrar, Office of
the Sub-Registrar, No.2/232B,
Gingee Tiruvannamalai Main
Road, Sathyamangalam.
604153.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Certiorarified Mandamus to call for the
records of the respondent vide Refusal check slip No.RFL/
Sathiyamangalam-Tindivanam/21/2024 dated 11.12.2024, quash the



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same as illegal and arbitrary and further direct the respondent to register the document produced by the petitioner pertaining to the property measuring an extent of 343.50 Ares bearing Survey Nos. 123/1, 123/2A, 71/11F, 71/11M, 74/1, 82/2B, 82/3, 69/1, 69/10, 69/11C, 69/2, 69/3, 69/4, 69/6, 69/8, 71/5, 71/6, 71/8 and 71/9 situated at Mel Arungunam Village, Melmalayanur Taluk, Villupuram District.

For Petitioner : Ms.P.Devi Sai Monica
For Respondents : Mr.C.Sathish, GA

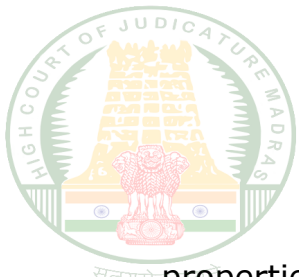
ORDER

Challenging the refusal check slip issued by the third respondent and to issue a consequential direction to the third respondent to register the document presented, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondents.

3. The facts leading to filing of this case are set out as herein below :

(i) The petitioner's father - Mr.Ariyaan Gounder purchased the



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properties measuring 343.50 Ares in Survey Nos.123/1, 123/2A, 71/11F, 71/11M, 74/1, 82/2B, 82/3, 69/1, 69/10, 69/11C, 69/2, 69/3, 69/4, 69/6, 69/8, 71/5, 71/6, 71/8 and 71/9 situated at Mel Arungunam Village, Melmalayanur Taluk, Villupuram District under various sale deeds. Later, the petitioner's father executed a Will dated 13.12.2000 in favour of the petitioner, who is his elder son. The petitioner has been paying tax to the subject properties and obtained patta in his name. Ever since the date of obtaining patta in 2001, the petitioner has been in continuous possession and enjoyment of the subject properties. The petitioner's father passed away on 08.6.2006. After the demise of the petitioner's father, the said Will dated 13.12.2000 came into existence.

(ii) In the recent past, the petitioner executed a settlement deed dated 11.12.2024 in favour his son and presented it for registration before the third respondent. However, the third respondent refused to register the same and issued the impugned refusal check slip on the ground that only the death certificate of the petitioner's father had been produced and not the legal heir-ship certificate. Hence the writ petition.

4. In the considered view of this Court, the reason for refusal clearly demonstrates the total non application of mind on the part of



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the third respondent. The petitioner claims title to the subject properties on the basis of the Will dated 13.12.2000 executed in his favour by his father. After the demise of his father, the petitioner has been in possession of the subject properties, which is evident from the patta that has been issued in his favour. The demand for production of the legal heir-ship certificate is, therefore, misconceived.

5. This Court has, time and again, issued instructions to the Registering Authorities to act within the confines of the powers conferred under the Indian Registration Act. In the considered view of this Court, the insistence of production of the legal heir-ship certificate does not come within the powers conferred on them.

6. Accordingly, the writ petition is allowed, the impugned refusal check slip is set aside and the third respondent is directed to register the settlement deed presented by the petitioner within a period of two weeks from the date of its representation. No costs.

06.1.2025

To
1.The Inspector General of Registration,
Office of the Inspector General of
Registration, No.100, Santhome
Highway, Pattinapakkam, Chennai-28.



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