



W.P(MD)No.7843 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.7843 of 2025

Shanmugathai

..Petitioner

Vs

The Sub Registrar,
Aruppukottai,
Virudhunagar District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Check Slip Number issued by the respondent in No. RFL/Aruppukottai / 8/2025 dated 20.02.2025 and quash the same as illegal, consequently direct the respondent to register the release deed dated 20.02.2025 presented for registration on the same day executed in favour of the petitioner's son, namely, Vijayakumar in respect of the property in S.No. 60/4 in Patta No. 444 to the extent of 1618 sq.ft situated at 3rd Street, Anbu Nagar, Aruppukottai Town, Virudhunagar District within a time frame.

For Petitioner : Mr.C.Sureshkannan

For Respondent : Mr.R.Sureshkumar
Addl. Govt. Pleader



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ORDER

The petitioner challenges the impugned refusal check slip issued by the respondent in No. RFL/Aruppukottai / 8/2025 dated 20.02.2025.

2. The petitioner claims that the property comprised in S.No.60/4 situated at 3rd street, Anbu Nagar, Aruppukottai Town, Virudhunagar District was purchased by one Aanavel. He had purchased the same from one Devadoss on 24.09.2001. It is alleged that the said Aanavel's other name is Vellappan. The revenue records stand in the name of Vellappan. After having purchased the property, the said Aanavel @ Vellappan had put up a superstructure and had been residing there. The petitioner claims that she is the wife of the said Aanavel @ Vellappan.

3. The petitioner pleads that her husband passed away on 23.03.2020. In order to put her affairs in order, the petitioner had proposed to settle the property in favour of her last son, one Vijayakumar. The couple, Shanmugathai (writ petitioner) and Aanavel @ Vellappan had three sons.

- (i) Vellaikan,
- (ii) Balamurugan, and
- (iii) Vijayakumar.



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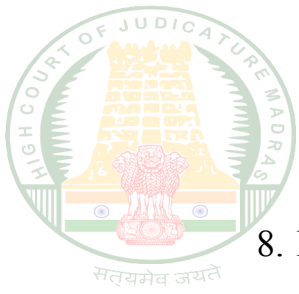
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4. The first two sons, namely, Vellaikan and Balamurugan along with the mother of Aanavel @ Vellappan, namely, Rakkayee had no objection to the said course of action adopted by the writ petitioner.

5. When the release deed was presented for registration on 20.02.2025, the respondent did not accept the same and issued the impugned refusal check slip. He pointed out the difference between the names in the sale deed and the revenue records, and called upon the petitioner to produce the Gazattee copy or a civil court decree or a certificate from the revenue authority to the effect that Vellappan and Anavel are one and the same person.

6. In pursuance thereof, the petitioner obtained a certificate from the Village Administrative Officer of Kadaladi Village to the effect that Vellappan and Aanavel are one and the same person. Despite the same, the Sub Registrar did not register the document. Hence, the writ petition.

7. Heard Mr.C.Sureshkannan for the petitioner and Mr.R.Sureshkumar, learned Additional Government Pleader for the respondent.



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8. Both the counsels reiterated the contentions made in the affidavit and

the written instructions given by the Sub Registrar.

9. I should point out that the written instructions replicate the impugned order. The gazette notification, as sought by the Sub Registrar is not possible because, admittedly, Vellappan died on 23.03.2023. The writ petitioner, as sought for by the respondent, has produced a certificate from the revenue department. Mere registration of the release deed does not mean that the right is created in favour of Vijayakumar automatically. If Shanmugathai is not the wife of Vellappan, or if Vellappan and Aanavel are two different persons, then the release would not work for the petitioner on which he rejection is based upon. These are matters that fall beyond the jurisdiction of the Sub Registrar.

10. Since the petitioner has produced a certificate of the Village Administrative Officer, as sought for by the Sub Registrar, the impugned order is being interfered with. Accordingly, the following directions are given:

11. The petitioner shall produce the original of the certificate given by the Village Administrative Officer before the Sub Registrar. On production of the original alone, the Sub Registrar will register the release deed. In case the



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original is not produced, the Sub Registrar is entitled to reject the application
filed for registration.

12. This writ petition is ordered accordingly. No costs.

21.03.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn

To

The Sub Registrar,
Aruppukottai,
Virudhunagar District.



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V.LAKSHMINARAYANAN, J.

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