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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.8655 of 2024

Palanichamy @ Palaniappan

... Petitioner

Vs

The Sub-Registrar,
Tharangampadi Sub Registrar Office,
Karur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip of the respondent in his proceedings in RFL/Tharangampadi/11/2024, dated 11.3.2024, on the file of the respondent and to quash the same and consequently direct the respondent to register the sale deed, dated 11.3.2024 executed by the Petitioner in favour of Devaraj within the time stipulated by this Court.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.S.P.Maharajan
Speial Govt.Pleader

For R – 7 : Mr.M.Jegadeesh Pandian



ORDER

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This Writ Petition has been filed challenging the refusal check slip issued by the respondent, dated 11.03.2024 thereby refused to register the sale deed, dated 11.3.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The property comprised in S.No.365/5A to an extent of Ac 0.84 cents, S.NO.600/1A to an extent of Ac.0.44 cents, S.No. 600/4B to an extent of Ac.0.12 cents, S.No.607/2A to an extent of Ac.0.57 cents, S.No.607/2B to an extent of Ac.0.20 cents, S.No. 608/3A to an extent of Acre 0.21 cents, S.No.607/2B to an extent of Acre 0.52 cents, S.No.613/8 to an extent of Acre 0.56 cents, S.No.373/6 to an extent of Acre 4.20 cents, S.No.600/2, to an extent of Acre 0.56 cents, S.No.613/16 to an extent of Acre 0.84 cents, S.No.374/1 to an extent of Acre 0.26 cents, S.No.374/2 to an extent of Acre 0.30 cents, Old S.No.419 corresponding to new S.NO.601/6 to an extent of 1496 sq ft and old S.No.419 corresponding to New S.No.601/35 to an extent of 2368 sqft originally belong to the father of the Petitioner namely, Govindha Gounder. He had executed a sale deed in favour of his daughters



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Kaliyammal, Ambika, Jayalakshmi @ Vijayalakshmi and Subbammal on 6.5.1992 through registered sale deed vide document No.11 of 1992. After execution of Will, the Petitioner's father died on 5.9.2002. After his demise, the Will has been acted upon and all the beneficiaries were issued with joint patta. The Petitioner is the husband of the sad Jeyalakshmi @ Vijayalakshmi.

4. On a perusal of the Will, the Petitioner's wife name is mentioned as Jeyalakshmi. Now the said Vijayalakshmi @ Jeyalakshmi died on 9.7.2015. The Petitioner and his three daughters derived title over $1/4^{\text{th}}$ share of his wife. In the $1/4^{\text{th}}$ share, the Petitioner being the husband and one of the legal heirs is entitled to $1/6$ share in the subject properties. Therefore, the Petitioner had executed a sale deed in favour of third party in respect of his $1/6$ share on 11.3.2024 and presented the same for registration. The respondent refused to register the same on the ground that the Petitioner's wife name differs and the Petitioner's name also differs in the Will executed by the Petitioner's father in law.

5. The learned counsel for the Petitioner submitted that the Petitioner's name is Palanichamy. However, the villagers used to call



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him as Palaniyappan. Likewise, his wife's name is Vijayalakshmi and her nick name is jeyalakshmi. The Petitioner is also ready to file an undertaking affidavit to that extent.

6.the learned Special Government Pleader appearing for the respondents, on instructions, submitted that on a perusal of the Will, the Petitioner and his wife's names differ from the Will. Therefore in order to prove that his wife is Jeyalakshmi @Vijayalakshmi, the Petitioner failed to produce any document. Therefore, the document which was presented for registration was refused to be registered.

7.On a perusal of the records, the Petitioner's wife's sisters filed undertaking affidavits to the effect that the Petitioner's wife is Vijayalakshmi @ Jeyalakshmi and she is also one of the beneficiary. Further stated that the Petitioner is the husband of the said Vijayalakshmi.

8.In view of the above,the order impugned herein is liable to be quashed and accordingly quashed and the Petitioner is directed to file an undertaking affidavit to that effect before the registering authority/the respondent and represent the sale deed for



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registration and on receipt of the same, the respondent is directed to register and release the same in favour of the Petitioner forthwith, if it is otherwise in order.

9.The Writ Petition is accordingly allowed. There shall be no order as to costs.

21.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
vsn

To

The Sub-Registrar,
Tharangampadi Sub Registrar Office,
Karur District.



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G.K.ILANTHIRAIYAN, J.

vsn

Order made in
W.P(MD)No.8655 of 2024

21.01.2025