



W.P(MD)No.12166 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.12166 of 2024

and

W.M.P.(MD).No.10791 of 2024

1. Vadivoo

2. Surendran

3. Divya

... Petitioner

Vs.

1. The Inspector General of Registration,

Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai-600028

2. The Joint Sub Registrar No.2,

Ramanathapuram

...Respondents

PRAAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned refusal check slip in RFL/Joint Sub Registrar No.2, Ramanathapuram/22/2024 dated 17.04.2024 passed by the second respondent and quash the same and consequentially directing him to register the sale deed dated 11.01.2024 executed by the petitioners



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For Petitioners

: Mr.J. Bharathan

For R1 to R2

: Mr.S.Saji Bino

Special Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the records pertaining the impugned refusal check slip in RFL/Joint Sub Registrar No.2, Ramanathapuram/22/2024 dated 17.04.2024 passed by the second respondent and consequentially directing him to register the sale deed dated 11.01.2024 executed by the petitioners

2. The subject property in Plot No.1 admeasuring 600 sq.f.t, in S.No.343/1, was purchased by the petitioner's grandmother Janakiammal W/o.Mahalingam through a registered sale deed dated 28.02.1992 in Document No.188/1992. The petitioner's father Boopathi is the sole legal heir of the petitioner's grandparents. After the demise of the petitioner's grandfather in the year 1992, the petitioner's grandmother was residing with the family of the petitioners including the petitioners' father. The ration card carries the name of the petitioner's father, mother, grandmother, petitioner and petitioner's sister. The petitioners' father Boopathi died on 07.03.2022. Thereafter, within a week the petitioners' grandmother died on 13.03.2022. The first petitioner is the 2nd petitioner's mother



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and the third petitioner is the sister. They have obtained legal heirship certificate of petitioner's father Boopathy from the Tahilsdar, Ramanathapuram. But, they have not obtained any legal heirship certificate for their grandmother. But, the legal heirship certificate issued to the petitioners' father carries the name of their grandmother also.

3. The contention of the petitioner is that under Section 15 of Hindu Succession Act, 1956, the second and third petitioners are the legal heirs of the deceased grandmother. The original sale deed dated 28.02.1992 is not available with the petitioners. In such circumstances, the petitioners had executed a sale deed on 11.01.2024 in favour of one Mythili Devi. When the said document was presented for registration, the impugned refusal slip was issued by stating reason that the original sale deed dated 18.02.1992 in Doc No.188/1992 ought to be submitted along with legal heirship certificate of Janakimmal. Aggrieved over the same, the present writ petition is filed.

4. The first contention of the petitioner is that the petitioners' father predeceased the grandmother on 07.03.2022. In the legal heir certificate issued to the father contains that the grandmother's name. However, he did not obtained legal heir certificate for grandmother who died subsequently.



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5. In view of the above, this Court is of the considered opinion that when the legal heirship certificate issued to the father Boopathy will clearly explain the relationship of the parties. Therefore, is not necessary to insist the legal heir ship certificate of their grandmother. Therefore, the impugned order dated 17.04.2024 is liable to be quashed. Accordingly, the impugned order dated 17.04.2024 is quashed on that ground.

6. As far as the original document dated 18.02.1992 is concerned, the same was not available with the petitioners. It is the settled proposition of law that registration cannot be refused for non production of original document. However, the petitioner shall submit the certified copy of the said document while registration. The petitioners are directed to re-submit the document along with legal heirship certificate issued for the father Boopathy and also directed to submit the certified copy of the document dated 18.02.1992 Doc.No.188 of 1992. On such presentation of documents, the respondents are directed to register the deed within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

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

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To

1. The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai-600028
2. The Joint Sub Registrar No.2,
Ramanathapuram



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.12166 of 2024**

DATED : 08.08.2025