



W.P(MD)No.33355 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.33355 of 2025

T.Saratha

... Petitioner

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Sub Registrar,
Office of the Sub Registrar,
Sengottai,
Tenkasi District.

... Respondents

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 records relating to the impugned refusal orders bearing No RFL/SENGOTTAI/53/2025 passed by the second Respondent dated 03.11.2025 and quash the same and consequently direct the second respondent to register the sale of the immovable properties situated in Karkudi Village, Sengottai Taluk, Tenkasi District, Patta No. 5197(Survey No. 268/3), Patta No. 5196 (Survey No. 273/2), Patta No. 1695 (Survey No. 276/1A) by appointing the petitioner as the legal Guardian of the petitioners son, Mr.T.Ponnudurai.

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For Petitioner : Mr.P.Karthick
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

Heard both sides.

2.The petition mentioned property belonged to Thangaiya. He passed away, leaving behind the following legal heirs: i) T.Saratha (wife) ii) T.Ramu (son) and iii) T.Ponnudurai (son). T.Ponnudurai suffers from mental retardation. Copy of the Unique Disability Card issued by the Government has been enclosed in the typed set of papers. The passbook issued by the District Disabled Rehabilitation Officer, Tirunelveli has also been enclosed. I am more than satisfied that the petitioner's son T.Ponnudurai suffers from intellectual disability.

3.The petitioner wanted to dispose of the petition mentioned land, which is said to be located near a reserved forest. Sale deed executed by the writ petitioner and her son T.Ramu has already been registered.



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However, the sale deed executed conveying T.Ponnudurai's 1/3rd undivided share in the property could not be registered for the reason that the petitioner has not obtained any guardianship certificate from the concerned authority. The stand of the registering officer is correct.

4.The petitioner wants this Court to permit her to proceed with the transaction. An affidavit of undertaking from the other son of the writ petitioner i.e., T.Ramu has been filed before this Court. T.Ramu has undertaken that he will take care of Ponnudurai till his last breath. I cannot lose sight of the fact that Ponnudurai is 42 years old and that he has been provided for by his immediate family members. I would not be justified in entertaining even the slightest doubt regarding their bona fides. However, to ensure that the sale proceeds go only for the benefit of Ponnudurai, I called upon the petitioner to obtain instructions from her son Ramu. It is now undertaken before me that the entire sale consideration which amounts to Rs.5,85,000/- (Rupees Five Lakhs and Eighty Five Thousand only) will be deposited in an interest bearing account with Indian Bank, High Court Branch, Madurai. Standing instructions shall be given to the Indian Bank, Madurai Bench of Madras



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High Court Branch to transfer a sum of Rs.5000/- (Rupees Five Thousand only) every month to the account of the writ petitioner and following her demise, to the account of her other son T.Ramu. Such transfers shall take place before the 5th of every month till the amount in the interest bearing account is exhausted. This arrangement coupled with the affidavit of undertaking given by T.Ramu would more than take care of the interest of T.Ponnudurai.

5.This Court recognizes the petitioner T.Saratha as the guardian of her son Ponnudurai and permits her to re-present the petition mentioned sale deed. It shall be entertained, registered and released by the second respondent subject to the fulfilment of the other usual formalities.

6.This Writ Petition is allowed accordingly. No costs.

21.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Tenkasi.
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G.R.SWAMINATHAN, J.

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