



W.P.(MD)No.34937 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2025**

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.34937 of 2025

T.Saraswathi

...Petitioner

vs.

The Sub Registrar,
Sub Registrar Office,
Valliyur,
Tirunelveli District.

...Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in the impugned Refusal Check Slip in Refusal No. RFL/Valliyur/56/2025 dated 12.11.2025 and quash the same as illegal and consequently direct the respondent to register the document in T.P. 239118407/2025.

For Petitioner : Mr.M.Sonai Ragavan
for Mr.A.Ravikumar

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned Refusal Check Slip in Refusal No. RFL/Valliyur/56/2025, dated 12.11.2025 and consequently to direct the respondent to register the document in T.P. 239118407/2025.



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2. The learned counsel appearing for the petitioner would submit that the subject property originally belonged to one Jebamani. The legal heirs of Jebamani are Thangaiya, Annalakshmi, Ponniah and Rocky Sakthi. After demise of Jebamani, the above legal heirs were entitled to 1/4th share in the subject property. Rocky Sakthi, who is the petitioner's mother is also entitled to 1/4th share. Rocky Sakthi also passed away. Therefore, the petitioner who is the sole legal heir of Rocky Sakthi is entitled to 1/4th share in the subject property. Now, the petitioner intends to execute a sale deed dated 12.11.2025 in favour of one G.Selvaraj to that extent. However, the same came to be refused on the ground that the entire extent of property in S.Nos. 42/1, 35/8C and 89/14, Alanginar Village has already been registered in Document Nos.1975 & 1976 of 2002, dated 24.12.2002.

3. According to the learned counsel for the petitioner, the above Documents were executed by the wife of Thangaiya, who is one of the legal heirs of Jebamani. In and by that document, the wife of Thangaiya has relinquished her right in favour of her son, namely, Thangaraj, towards the entire extent of subject property. However, their right over the subject property is only to an extent of 1/4th and the gift deed dated 20.04.2015 executed by Thangaraj in favour of his wife also pertains to an extent of 1/4th share in the subject property. Therefore, the learned counsel would



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submit that the petitioner is entitled to 1/4th share in the subject property and the respondent ought to have registered the sale deed presented by the petitioner. Hence, he prayed to allow this petition.

4. The learned Additional Government Pleader appearing for the respondent would submit that when the wife of Thangaiya relinquished her right in favour of Thangaraj, she has stated that entire extent of subject property, as if Thangaiya is entitled to the same. However, the gift deed dated 20.04.2015 executed by Thangaraj in favour of his wife is only to the extent of 1/4th share of the subject property. Therefore, he prayed for appropriate orders.

4. I have given due consideration to the submissions made on either sides.

5. Admittedly, Thangaiya, one of the legal heirs of Jebamani is entitled to 1/4th share in the subject property. Thangaraj, who is the son of Thangaiya, has also executed a gift deed in favour of his wife, only to that extent. While so, the relinquishment of right by the wife of Thangaiya could be only to that extent and not the entire extent of the subject property. Such being the case, I do not find any impediment for the respondent to register



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the sale deed executed by the petitioner on 12.11.2025, since the petitioner is entitled to 1/4th share from her mother Rocky Sakthi, who is entitled to 1/4th share in the subject property. Therefore, the impugned order has been passed without application of mind and the same is liable to be set aside and accordingly the impugned order of the respondent dated 12.11.2025 in Refusal No. RFL/Valliyur/56/2025 is set aside. The petitioner is directed to re-present the sale deed dated 12.11.2025 and upon re-presentation, the respondent is directed to register the same, if it is in accordance with law.

6. Accordingly, this Writ Petition is disposed of. No costs.

09.12.2025

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

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To

The Sub Registrar,
Sub Registrar Office,
Valliyur,
Tirunelveli District.

KRISHNAN RAMASAMY, J.



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