



**W.P.(MD) No.4447 of 2026**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.02.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY**

**W.P.(MD)No.4447 of 2026**

1.S.Mohan

2.M.Balamurugan

3.M.Karthick

... Petitioners

**Vs**

1.The District Registrar,  
District Registrar Office,  
Madurai North,  
Integrated complex of Registration Department,  
TNAU Nagar,  
Rajakampeeram, Y.Othakadai,  
Madurai – 620107.

2.The Sub Registrar,  
The Sub Registrar Office,  
Alanganallur,  
Madurai – 625501.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records and quash the impugned Refusal Check Slip No. RFL/Alanganallur/15/2026 dated 09.02.2026 issued by the 2<sup>nd</sup>



W.P.(MD) No.4447 of 2026

respondent as illegal and further directing to the 2<sup>nd</sup> respondent to register the Sale deed dated 17.12.2025 within a time frame may be fixed by this Court.

For Petitioners : Mr.K.Dileeban  
For Respondents : Mr.K.S.Selvaganesan  
Addl. Govt. Pleader.

### **ORDER**

This Writ Petition is filed challenging the impugned refusal check slip issued by the 2<sup>nd</sup> respondent dated 09.02.2026 and also seeking for a consequential direction directing the 2<sup>nd</sup> respondent to register the sale deed dated 17.12.2025 within a time stipulated by this Court.

2. Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal.

3. It is the grievance of the petitioners that when the petitioners presented a sale deed for registration, the same was refused to



**W.P.(MD) No.4447 of 2026**

be registered on the ground that Will condition not fulfilled. Challenging the said order, the petitioners have filed this Writ Petition.

4. The learned counsel appearing for the petitioners would submit that the subject properties originally belonged to the first petitioner's father and he has executed a conditional Will dated 11.04.1997. The condition of the Will is that after the life time of the 1<sup>st</sup> petitioner's father, the 1<sup>st</sup> petitioner is only entitled to enjoyment of the property and after the life time of the 1<sup>st</sup> petitioner, the petitioners 2 and 3 are entitled to alienate the properties. He would further submit that the 2<sup>nd</sup> petitioner is affected by Tuberculosis and since money is required for taking treatment, the 1<sup>st</sup> petitioner, who is the lifetime enjoyment holder of the subject property along with the petitioners 2 and 3, who have alienation rights, intend to sell the subject property. Under these circumstances, the impugned refusal check slip was issued. Hence, he prays for allowing of the Writ Petition.

5. This Court heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.



W.P.(MD) No.4447 of 2026

6. On a perusal of the records, it is seen that the first petitioner's father executed a Will dated 11.04.1997. In the said Will, it was mentioned that after death of the executant, the enjoyment right will go to the wife of the executant viz., Alagammal and his two male children viz., Palinappan @ Panneer and the first petitioner. Now the petitioners submit that the executant's wife Alagammal and Palaniappan @ Panneer were passed away. The said Palaniappan @ Panneer was passed away without any issues. Therefore, the enjoyment right of the properties is only with the first petitioner alone and after the death of the first petitioner, the petitioners 2 and 3 are entitled to alienate the properties. Since the petitioners 2 and 3 are also agreed to sell the properties to meet out the medical expenses of the 2<sup>nd</sup> petitioner, they executed a sale deed.

7. Of course, as rightly contended by the learned Additional Government Pleader appearing for the respondents, during the life time of the 1<sup>st</sup> petitioner, the subject property cannot be sold and after the death of the 1<sup>st</sup> petitioner, the petitioners 2 and 3 will get alienation right. However, when the first petitioner relinquished his right, certainly, the right to alienate the property will accrue to the petitioners 2 and 3. In the



**W.P.(MD) No.4447 of 2026**

present case, the first petitioner has agreed to the sale of the property along with Petitioners 2 and 3, which means that the first petitioner is ready to relinquish his rights. Such being the case, once the relinquishment takes place by virtue of execution of sale deed, automatically the right to alienate the property would arise, to the petitioners 2 and 3. Therefore, the petitioners executed a sale deed. In such circumstances, I do not find any impediment for the 2<sup>nd</sup> respondent to register the said sale deed presented by the petitioners and hence, the impugned refusal check slip issued by the 2<sup>nd</sup> respondent is liable to be set aside.

**8.** Accordingly, impugned refusal check slip issued by the 2<sup>nd</sup> respondent dated 09.02.2026 is set aside. The 2<sup>nd</sup> respondent is directed to register the sale deed dated 17.12.2025 presented by the petitioners forthwith.

**9.** With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

**17.02.2026**

vsm



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**W.P.(MD) No.4447 of 2026**

**KRISHNAN RAMASAMY, J.**

vsm

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