



WEB COPY

W.P(MD)No.7924 of 2026



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25.03.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.7924 of 2026

P.Ranjith Kumar

... Petitioner

Vs.

The Sub Registrar
Shenkottai Sub Registrar Office,
Shenkottai,
Tenkasi District.

... Respondent

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records relating to refused cheque slip issued by the respondent in RFL/SHENKOTTAI/15/2026 dated 25.02.2026 and quash the same as illegal and consequently direct the respondent to register relinquishment deed dated 25.02.2026 executed by P.Thangaperumal in favour of the petitioner on representation within the stipulated time fixed by this Court.

For Petitioners
For Respondent

:Mr.K.R.Manimaran
:Mr.F.Deepak
Special Government Pleader

**ORDER**

This writ petition is filed challenging the impugned refusal check slip dated 25.02.2026.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that the property in Survey No.277/2, new Survey No.579/2 to an extent of about 82 cents originally belonged to the petitioner's grandfather, namely Lakshmanan and his grandmother, namely Valliammal. They jointly executed a registered Will on 27.02.1992 in favour of the male heirs of Palanisamy. The will provided life estate to the petitioner's father and bequeathed the property on the petitioners alone. The petitioner's grandfather and grandmother died in the year 1999 and the Will came into effect. Thereafter, when the petitioner was only minor, the petitioner's father sold the property by way of a registered sale deed, dated 22.02.2002. Under the said circumstances, the petitioner's brother Thangaperumal executed a relinquishment deed dated 25.02.2026 relinquishing his share in favour of the petitioner and when the said document is presented, the same is refused to be registered by the impugned check slip.



3.The learned counsel for the petitioner would submit that when the Will specifically barred, the petitioner's father from alienating the properties and he was only holding the property as a life estate, the sale is invalid. The learned counsel would submit that the minor, even though attained majority, need not necessarily file a suit to set aside the repudiating the sale. They can also repudiate the transaction through their conduct and in that regard, the learned counsel would rely upon the judgment of the Honourable Supreme Court in ***K.S.Shivappa V SMT.K.Neelamma(Civil Appeal No.11342 of 2013)***. Therefore, the Sub Registrar has no jurisdiction to refuse the document.

4.Per Contra, the learned Special Government pleader appearing on behalf of the respondent would submit that it can be seen that the sale deed executed by the petitioner's father on behalf of the minor children also. Therefore, there cannot be a second duplicate entry in respect of the very same property.

5.I have considered the rival submissions made on either side and perused the material records of the case.



6. In the judgement relied upon by the learner counsel in *K.S.Shivappa's case(cited supra)*, it can be seen that when the Guardian alienated the property on behalf of the minor, upon attaining majority within the limitation period, they held the minor had repudiated the transaction through their conduct by executing sale deed along with their mother within the period of limitation. Therefore, when the other purchaser filed a civil suit, the same was ultimately dismissed by the civil Court on the ground that when the purchaser filed a civil suit, the same was decreed by holding that in the absence of any repudiation, the title cannot be disputed. However, in the first appeal, the High Court held that the repudiation need not be necessarily by filing a civil suit, but it can also be by their conduct of executing a document upon attaining of the majority. The Hon'ble Supreme Court upheld the view taken by the High Court.

7. In the instant case, the sale was in the year 2002 and there was no repudiation expressly or by conduct immediately upon attaining majority. The petitioner is aged about 24 years. His brother is aged about 34 years. Therefore, it cannot be said that the petitioner or his brother had repudiated the sale by their conduct. When the petitioner's father on his own behalf and behalf of the minors sold the property in favour of third parties for a valuable sale consideration in the year 2002, belatedly by presenting a



relinquishment deed in the year 2026, by one brother in favour of another, the intention behind the transaction is to be seen. Though an argument is made about the jurisdiction of the Sub-Registrar to refuse the document, if the document is presented solely with an intention start a litigation in a stale and settled matter, this Court can refuse to exercise its power under Article 226 of the Constitution of India. Further the person to whom the land was sold in not even made a party to the writ petition.

8.Hence, this writ petition stands dismissed. No costs.

25.03.2026

NCC:Yes/No
Ns
To
The Sub Registrar
Shenkottai Sub Registrar Office,
Shenkottai,
Tenkasi District.



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D.BHARATHA CHAKRAVARTHY, J.

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