



W.P.(MD)No.10794 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.10794 of 2026

Tamilarasi

.. Petitioner

- Vs. -

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1.The Sub Registrar,
O/o. Sub Registrar Office,
Kariyapatti,
Virudhunagar District.

2.Mahaboob Ahamadshah

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned check slip dated 24.03.2026 in RFL/Kariyapatti/16/2026 passed by the first respondent and quash the same and directing the first respondent to receive the document dated 20.03.2026 for registration and to register the same.

For Petitioner : Mr.VA.Shanmugaraj

For Respondents : Mr.R.Parthiban
Government Advocate for R1



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ORDER

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The Writ Petition is filed challenging the impugned refusal check slip dated 24.03.2026.

2. When the petitioner presented a sale deed for registration, the same was refused to be registered. The reason mentioned is that, though the petitioner claims to be the sole legal heir of her grandmother, the petitioner neither produced the death certificate nor the legal heirship certificate. Therefore, the document was refused to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is the sole legal heir of her grandmother. She inherited the property. The patta has been mutated in her name. There is no other rival claim. She is in possession of the parent deeds of purchase from her grandmother. The patta was mutated after a detailed enquiry was made, and it was found that the petitioner, wife of Poochinayakar is the only legal heir of the Subbammal, wife of Muthaiyanayakar and accordingly, the patta was ordered to be mutated and the chitta and adangal extracts are all mutated in the name of the petitioner. The petitioner is in possession of the property. The Village Administrative Officer has also certified to the said effect. When the grandmother of the petitioner died



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in the year 1987, the petitioner was only 22 years old. The petitioner do not even remember the date of death at this distant point of time. It will be difficult for the Births and Deaths Registering Authority also to make an enquiry and issue a death certificate and legal heirship certificate at this distant point of time. The fact pleaded in the affidavit that the petitioner's father predeceased his grandmother is also noted.

4. The learned Government Advocate appearing on behalf of the first respondent would submit that when the death and legal heirship certificate are mandatory for the Sub Registrar to verify the title, especially, when the certificate of the Village Administrative Officer also says that the same cannot be used in Court, the refusal check slip is validly passed.

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

6. The grounds raised in the impugned refusal check slip cannot be taken exception to, as it is mandatory on the part of the petitioner to produce the death certificate as well as the legal heirship certificate. However, the following extraordinary facts in the present case are noted:



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1) The petitioner's grandmother is said to have died in the year 1987, and almost 38 years have passed now.

2) The petitioner being the sole surviving legal heir, who was only aged 22 years at that point of time, she is very well justified in stating that she does not even remember the exact date of death. Therefore, it will be extremely difficult for the petitioner to establish before the Births and Deaths Registering Authority about the said facts.

3) There is no rival claim with reference to the properties in question. The petitioner claims to be in possession and enjoyment of the same.

4) The patta, after due enquiry, has been mutated in the name of the petitioner.

5) The petitioner possesses the original documents in respect of the property.

7. In these extraordinary facts and circumstances of the case, treating this as a special case, I am of the view that this Writ Petition can be allowed on the following terms:

(i) The impugned refusal check slip, dated 24.03.2026;



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(ii) The petitioner shall represent the document along with an indemnity bond, undertaking that she is the sole surviving legal heir of her grandmother, Subbammal, wife of Muthaiyanayakar and if there is any rival claim, she will be liable for prosecution as per Section 83 of the Registration Act 1908;

(iii) Upon the document being represented along with this undertaking affidavit/indemnity bond, the same shall be registered if there is no other impediment.

8. Accordingly, the Writ Petition is allowed on the above terms. No costs.

02.06.2026

NCC : No
sjj

To

The Sub Registrar,
O/o. Sub Registrar Office,
Kariyapatti,
Virudhunagar District.



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D.BHARATHA CHAKRAVARTHY, J.

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