

W.P.(MD) No.19640 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.19640 of 2026

D.C.Sivanesan

... Petitioner

Vs.

1.The Sub Registrar,
Registration Department,
Office of the Sub Registrar,
Udangudi, Tuticorin District.

2.Sivaganesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's Objection Letter dated 16.06.2026 so as to register any Will in respect of the property in Survey Nos.355/1B, 357/1A and 357/1B at Venkataramanujapuram Village, Udangudi, Tuticorin District and conduct enquiry by passing an order by invoking the Provision under Sections 82 and 83 of the Registration Act, within the time frame fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 : Mr.S.Venkatesh
Government Standing Counsel



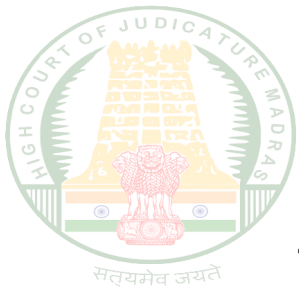
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ORDER

WEB COPY The Writ Petition is disposed of at the stage of admission, after dispensing with notice to the second respondent, since no adverse order is proposed to be passed against the second respondent, and after hearing the learned counsel appearing for the petitioner.

2. The case of the petitioner is that his father, D.Chithiraipandi, executed a registered Will in favour of the petitioner on 25.03.2024, which was registered as Document No.23 of 2024. It is further submitted that the petitioner's father is presently residing with the second respondent and that, taking advantage of his advanced age and infirmity, the second respondent has obtained the left thumb impression of the petitioner's father on a written document with the intention of presenting the same as his last Will and testament.

3. The learned counsel for the petitioner submitted that the proposed Will should not be registered without the first respondent personally satisfying himself as to the identity, competency and volition of the Executant, especially since the petitioner has no access to his father, who is residing with the second respondent.



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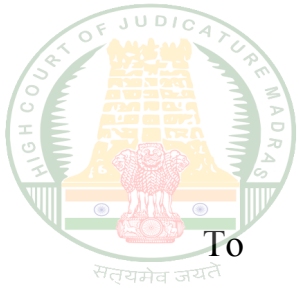
4. This Court is of the view that, on the basis of the averments made in the affidavit filed in support of the Writ Petition, the petitioner is not entitled to the relief as prayed for. At the same time, in order to balance the interests of the petitioner and the second respondent, the first respondent is directed to treat the petitioner's representation dated 16.06.2026 as a protest petition against the proposed registration of the Will in favour of the second respondent.

5. Needless to state, if the document is presented for registration, the first respondent shall process the same strictly in accordance with the provisions of the Registration Act, 1908 and the Rules framed thereunder, by duly adhering to all the statutory safeguards applicable to the registration of a Will.

6. The Writ Petition stands disposed of accordingly. There shall be no order as to costs.

NCC : Yes / No
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13.07.2026



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To

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The Sub Registrar,
Registration Department,
Office of the Sub Registrar,
Udangudi, Tuticorin District.



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C.SARAVANAN, J.

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