

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM:

THE HON 'BLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.39082 of 2016
and W.M.P.No.33473 of 2016

1. Mrs. Malathi Ramaswamy
2. Lt. Col. (Retd.) N.Ramaswamy ... Petitioners

Versus

1. The Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai 600 004
2. The District Registrar, Chennai South,
Saidapet, Chennai 600 015
3. The Joint-1 Sub Registrar,
Office of the District Registrar,
Chennai South, Saidapet,
Chennai 600 015 ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the second and third respondents to attend private attendance to the residence situated at Flat No.401, 'Trafalgar Apartments' at No.124-126, Lattice Bridge Road, Thiruvanmiyur, Chennai 600 041, and register the Will, dated 15.06.2016 jointly executed by the petitioner and her husband, under the provisions of the Registration Act, 1908.

For Petitioner : M/s. Rathina Asohan
For Respondent : Mr. A.N.Thambidurai, Spl.G.P.,

O R D E R

This writ petition has been filed by the petitioners praying for the issuance of a writ of mandamus, directing respondents 2 and 3 to attend private attendance to the residence situated at Flat No.401, 'Trafalgar Apartments' at No.124-126, Lattice Bridge Road, Thiruvanmiyur, Chennai 600 041, and register the Will, dated 15.06.2016, jointly executed by the petitioners, under the provisions of the Registration Act, 1908.

3. According to the petitioners, the first petitioner is aged 81 years and her husband / the second petitioner is now aged 91 years and both the petitioners have jointly executed a Will on 15.06.2016 at Chennai, in respect of Equity Shares held by them in two companies and also in respect of other movables belonging to them, bequeathing the same among their two sons. As per the proviso to Section 31 of the Registration Act, 1908, the jurisdictional Registering Officer, on Special cause being shown, shall attend the residence of any person, desiring to present a Will for registration at the residence. Due to physical inability and age condition, the petitioners herein cannot move freely, therefore, made a joint Application, dated 22.06.2016, seeking the aforesaid directions. In spite of the same, since nothing fruitful done, the petitioners are before this Court, with this writ petitions.

4. This Court has carefully considered the submissions made by the learned counsel for both sides and perused the materials available on record.

5. Since the petitioners are aged about 81 and 91 years respectively, it is automatic that any application made by them will necessarily be looked into on priority basis, upon payment of necessary charges. Therefore, the second and third respondents are hereby directed to attend the private attendance of the petitioners and register the Will, dated 15.06.2016 jointly executed by the petitioners, under the provisions of the Registration Act, 1908, on payment of necessary charges framed therefor. The said exercise shall be completed by the respondents within a period of two weeks from the date of receipt of a copy of this order and payment of the necessary charges.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srk

To

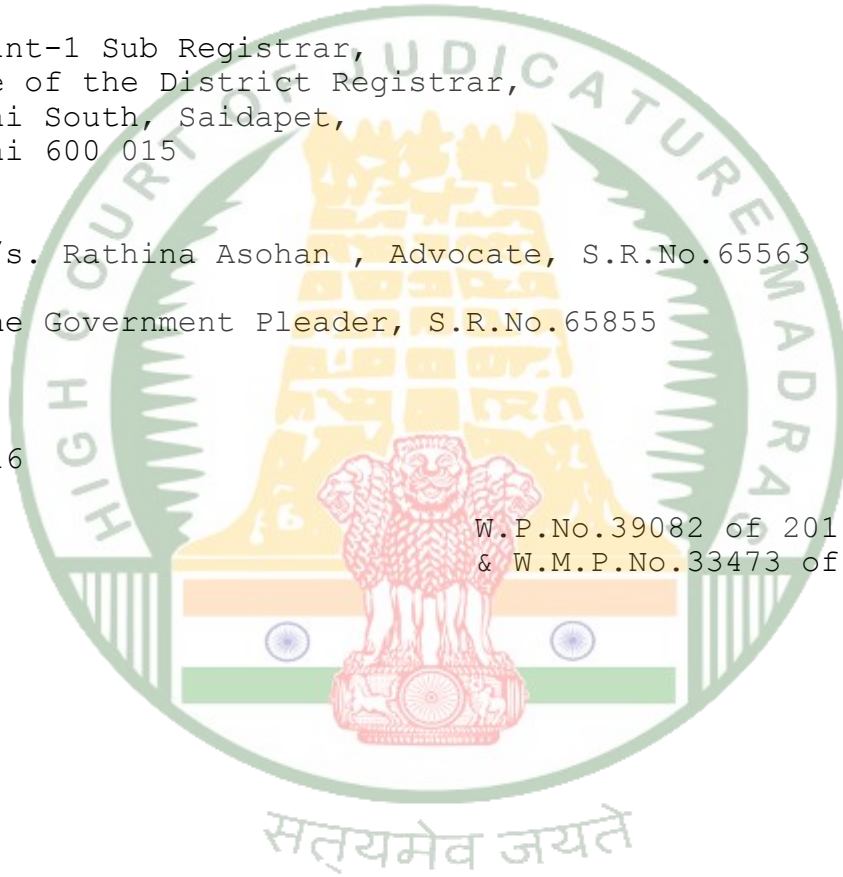
1. The Inspector General of Registration,
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2. The District Registrar, Chennai South,
Saidapet, Chennai 600 015.
3. The Joint-1 Sub Registrar,
Office of the District Registrar,
Chennai South, Saidapet,
Chennai 600 015

+1cc to M/s. Rathina Asohan , Advocate, S.R.No.65563

+1cc to the Government Pleader, S.R.No.65855

nr(CO)
Eu 10.12.16

W.P.No.39082 of 2016
& W.M.P.No.33473 of 2016



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