

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9255 of 2018

P.Unnikrishnan

.. Petitioner

-vs-

The Sub Registrar,
Neelangarai,
Chennai-600 041.

... Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to act upon the request of the petitioner dated 09.04.2018 and register the Will of Mrs.Meera Jayakar dated 19.03.2018 at K.L. Hospital, Neelangarai, Chennai wherein she is presently admitted.

For Petitioner :: Mr.B.Srujana

For Respondent :: Mr.S.Ramya Revathi,
Government Advocate

ORDER

Mr.Unnikrishnan, a senior citizen, aged about 75 years, claiming to be a Executor of Will of one Mrs.Meera Jayakar, who is bedridden at K.L.Hospital, Neelangarai, Chennai, has come to this Court seeking a direction to the respondent to accept his request to register the said Will dated 19.03.2018.

2. The learned counsel appearing for the petitioner submitted that since the said Meera Jayakar, wife of Late Mr.K.P.Jayakar, aged about 83 years has no children out of wedlock, she has executed a Will making appropriate apportionments of her property to the persons of her choice. Since the Will has been executed on 19.03.2018, the petitioner

has approached the respondent with a request to visit the hospital to register the Will as the presence of the respondent is mandated under Rule 780 in Chapter XIX of the Departmental Order under the Registration Manual. As he has not responded to the said request, he made a written request on 09.04.2018 for the presence of the respondent in the hospital. Finding no response, he is before this Court.

3.It is pertinent to refer Rule 780 in Chapter XIX of the Departmental Orders under the Registration Manual which reads as follows:

"Chapter XIX
Attendance at Private Residences
General

780. Normally applications for attendances at private residences should be complied with within 48 hour. Except in very urgent cases or when persons, who are seriously ill, have to be examined, a registering officer may postpone an attendance to a holiday when such attendance involves a journey to a distant village. In that event a statement shall be obtained in the application to the effect that the applicant has no objection to the postponement of the attendance to the holiday, which should be specified. When compliance with a requisition for a private attendance cannot be made without interfering with the regular business of the office, a commission shall be issued, wherever practicable and unobjectionable. When the issue of a commission is impracticable or objectionable, the registering officer shall obtain in his deposition book a statement from the party concerned justifying the urgency, whether due to illness or otherwise. A copy of this statement shall be attached to the report of private attendance submitted to the District Registrar. In case of illness the application should be supported by a certificate from a medical practitioner that the patient is in a precarious condition. All cases of closure or office partially or wholly on a working day in consequence of a private attendance shall be reported forthwith by the Sub-Registrar to the District Registrar and by the District Registrar to the Inspector-General with a full statement of facts necessitating such a course."

4. In spite of the categorical priority given to the ailing persons in the circumstances set out in the rule, the same has not been adhered to or complied with by the respondent. This Court, considering the ill health of the said Mrs. Meera Jayakar, who has been taking treatment at K.L. Hospital, Neelangarai, Chennai, directs the respondent to visit the said hospital forthwith and register the Will according to law. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

vga
To

The Sub Registrar,
Neelangarai,
Chennai-600 041.

+1 cc to M/s. B. Srujana Advocate sr 29041
+1 cc to the Govt Pleader sr 29166

W.P.No.9255 of 2018

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