

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18287 of 2018

M.Aandal

.. Petitioner

-vs-

The Sub Registrar (Pallavaram)  
Pallavaram Sub Registrar Office  
2<sup>nd</sup> Main Road, Pallavapuram  
New Colony, Chromepet  
Chennai 600 044

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent herein to register petitioner's Will dated 26.02.2018 without insisting the production of the petitioner's original sale deed dated 30.10.1986 pertaining to petitioner's property located at No.11/427, Durgaiyamman Koil 2<sup>nd</sup> Cross Street, Susila Nagar, Koilambakkam, Chennai-117 bearing Old Survey No.166/1B1, New Survey No.166/1B1A1A1A measuring 5.39 cents within the registration district of South-Chennai and sub-registration district of Pallavaram.

For Petitioner :: Mr.Pradeep Jayaraman

For Respondent :: Mr.T.M.Pappiah  
Special Government Pleader

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ORDER

This writ petition has been filed seeking a mandamus directing the respondent to register the petitioner's Will dated 26.2.2018 without insisting the production of the original sale deed dated 30.10.86 pertaining to the petitioner's property located at No.11/427, Durgaiyamman Koil Second Cross Street, Susila Nagar, Koilambakkam, Chennai bearing Old Survey No.166/1B1, New Survey No.166/1B1A1A1A measuring 5.39 cents

within the registration district of South Chennai and sub registration district of Pallavaram.

2. Learned counsel for the petitioner submitted that the petitioner is owning land along with the building located at No.11/427, Durgaiyamman Koil Second Cross Street, Susila Nagar, Koilambakkam, Chennai bearing Old Survey No.166/1B1, New Survey No.166/1B1A1A1A measuring 5.39 cents within the registration district of South Chennai and sub registration district of Pallavaram. As the petitioner's husband Mr.Munuswamy died on 22.2.2018, she has adopted her younger sister's daughter Mrs.A.Ammu, since they were not blessed with any issue. She is presently taking care of the petitioner's needs including the medical needs. Now she is a 65 year old senior citizen. Hence, she has decided to Will away the said property. When she prepared a Will on 26.2.2018 and presented the same on 10.5.2018, the Sub Registrar, Pallavaram, the respondent herein refused to register her Will, citing a reason that she is not in possession of her original title deeds. The petitioner is old and not keeping well. However, one Mr.T.Thangakumar of M/s T.N.Computers approached the petitioner in August, 1999 with a promise to get loan of Rs.20,000/- from the bank. With that promise, he obtained the title deeds of the property covered in the Will. Later on, the petitioner came to know that the said Mr.T.Thangakumar availed business loan of Rs.2,00,000/- for his own business from the State Bank of India, Velacherry branch by giving her property as a collateral security. This was done taking advantage of the petitioner's ignorance and illiteracy. Subsequently, in view of the default committed by the said Mr.T.Thangakumar, the State Bank of India filed a civil suit in O.S.No.769 of 2002 for recovery of the loan money before the Court of the Principal Subordinate Judge, Chengalpattu and the suit was also decreed on 24.3.2016 in favour of State Bank of India. Thereafter, the petitioner's adopted daughter Mrs.A.Ammu settled the loan amount due to the State Bank of India on 7.6.2018 and they are awaiting the release of the original sale deed of the property in question. In the meanwhile, a direction be issued to the Sub Registrar, Pallavaram to accept the Will without insisting upon the production of the original sale deed, he pleaded.

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3. This Court is not willing to accept the prayer of the petitioner, because, as per the requirements of law, everyone approaching the Sub Registrar for registration of any Will or settlement deed or instrument should carry the original title deeds. In the present case, the petitioner is unable to produce the original title deeds. Therefore, the refusal of the request of the petitioner for registration of the Will by the respondent

cannot be found fault with. Hence, the writ petition is dismissed. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

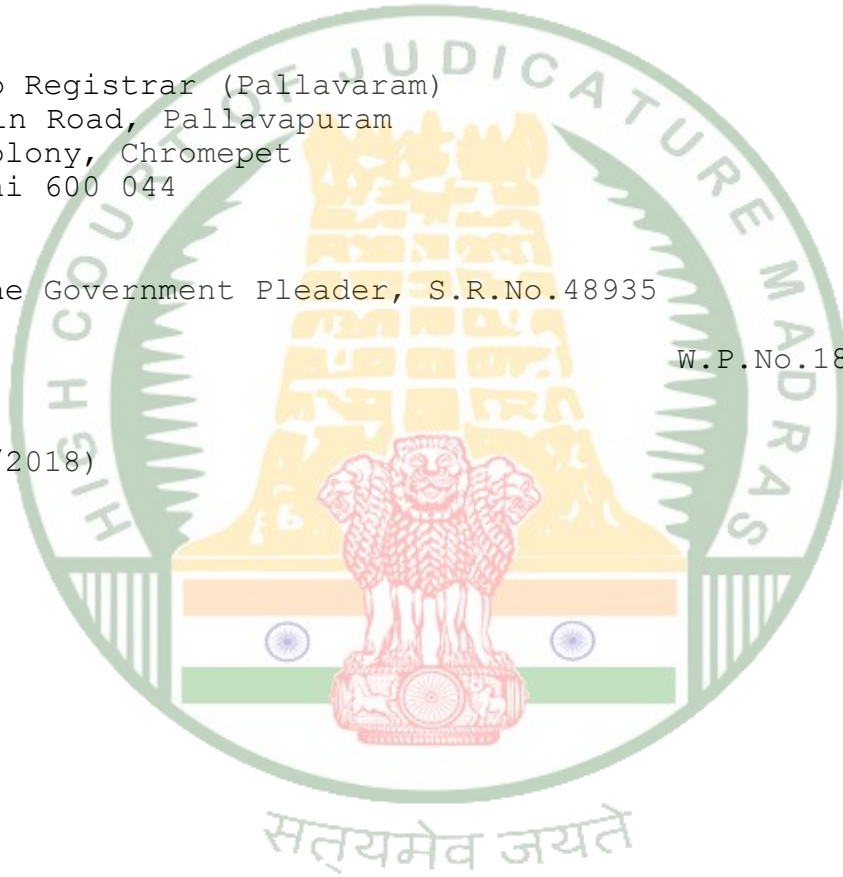
To

1. The Sub Registrar (Pallavaram)  
2<sup>nd</sup> Main Road, Pallavapuram  
New Colony, Chromepet  
Chennai 600 044

+1cc to the Government Pleader, S.R.No.48935

W.P.No.18287 of 2018

GSP(31/07/2018)



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