



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No. 17976 of 2018

Pandiyan

... Petitioner

/Vs./

1.State of Tamil Nadu,
Represented by
The District Registration Officer,
Madurai.

2.The Sub Registrar,
Othakadai Sub Registrar Office,
Integrated Registration Complex,
Rajagambeeram, Madurai.

... Respondents

PRAYER: Writ petition - filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to receive the "Cancellation of Will dated 07.08.2018" presented by the petitioner and further direct the second respondent to receive a fresh Will and register the same.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The petitioner seeks a direction to the second respondent to receive the cancellation of Will dated 07.08.2018 presented by him and a further direction to the second respondent to receive a fresh Will and register the same.

2. In response to the writ petition, a counter affidavit has been filed, in which, it is stated that the petitioner did not produce original Will, as required for registration and therefore, the Will submitted by the petitioner could not be registered.

3. The learned counsel appearing for the writ petitioner would submit that the question of the Will being in original does not arise at all and the Will is not to compulsorily registrable document.

4. The learned counsel appearing for the respondents would submit that if the petitioner would submit a copy of the Will, the



authority will take into consideration and process the fresh Will submitted by the petitioner for registration.

5. The learned counsel appearing for the petitioner would submit that the petitioner would make available photo-copies of the Will dated 07.08.2018 to the respondents and the respondents may be directed to receive the Will by the petitioner for registration of the same.

6. In view of the submissions made by the learned counsel on behalf of both sides, this writ petition is disposed of with the following direction:

(i) The writ petitioner is directed to make available photocopies of the Will dated 07.08.2018 to the respondents within a period of one week from the date of receipt of a copy of this order.

(ii) On production of the copy of the Will, the respondents are directed to process the Will, if the same is otherwise in order and in terms of the registration manual, the authorities shall register the same.

(iii) The authorities shall pass appropriate orders after receipt of the copy of the earlier Will dated 07.08.2018, within a period of three weeks thereafter. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS-II)

To:

1. The District Registration Officer, Madurai.

2. The Sub Registrar,
Othakadai Sub Registrar Office,
Integrated Registration Complex,
Rajagambeeram, Madurai.

+1 CC To MR.P.M.VISHNUVARTHANAN, Advocate SR. NO. 88178

+1 CC TO The Special Government Pleader SR.NO. 88191

Order made in

W.P. (MD) No. 17976 of 2018

01.10.2018

SM

TR/RP/SAR-II (03.10.2018) 2P 5C