



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

WEB COPY

W.P. (MD)No.16399 of 2020

A.Naina Mohamed

... Petitioner

-vs-

1. The District Registrar,
Registration Department,
Sivagangai,
Sivagangai District.

2. The Sub Registrar,
Registration Department,
Ilayangudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to register the sale deed dated 21.09.2020 which was presented for registration and summarily returned by him on the same day of its presentation ie., 21.09.2020 based on the flimsy reason of non-registration of the Will dated 15.10.2018 executed in favour of the petitioner by the testatrix namely Fatima Beevi during her life time and came into effect immediately on her demise on 01.04.2019 within a stipulated time.

For Petitioner

: Mr.B.Prahalad Ravi

For Respondents

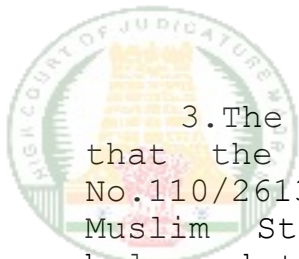
: Mr.K.Sathiya Singh

Additional Government Pleader

ORDER

This petition has been filed, seeking issuance of a Writ of Mandamus, directing the second respondent to register the sale deed dated 21.09.2020 which was presented for registration and summarily returned by him on the same day of its presentation ie., 21.09.2020 based on the flimsy reason of non-registration of the Will dated 15.10.2018 executed in favour of the petitioner by the testatrix namely Fatima Beevi during her life time and came into effect immediately on her demise on 01.04.2019 within a stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents.



3.The learned Counsel appearing for the petitioner would submit that the properties measuring about 1256.25 Sq. Ft. in Pula No.110/2613 bearing Plot No.7, Patta No.2252, situated at East Muslim Street, Ilayangudi, Sivagangai District was originally belonged to Fatima Beevi, who had purchased the same from one Taj Nisha Begam through a registered sale deed dated 28.09.2018 for valuable sale consideration. The said Fatima Beevi, who is none other than an Aunt of this petitioner, had executed a Will dated 15.10.2018 in favour of the petitioner as the petitioner had taken care of her. On 01.04.2019, the said Fatima Beevi died and her husband predeceased her without any issue. Therefore, the Will executed by Fatima Beevi came into force and the petitioner become the absolute owner of the said property. While so, when the petitioner had executed a sale deed dated 21.09.2020 in favour of one Ahamed Sirajudeen, S/o.Janap Abdul Azeez of Ilayangudi and presented the said document for registration before the second respondent along with original sale deed standing in the name of the said Fatima Beevi and the original Will executed in favour of the petitioner, the second respondent had refused to register the same on the ground that the Will executed by the Fatima Beevi in favour of the petitioner is an unregistered one. Though the petitioner had explained the fact that the registration of Will is only an obligatory and not mandatory, the second respondent did not accept the same. Therefore, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstance of the case, this Court is of the view that the relief sought for by the petitioner as such cannot be granted. However, the petitioner is permitted to represent the document and it is for the respondents to conduct enquiry and see the genuineness of the document and act in accordance with law within a period of 90 days from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM



To

1. The District Registrar,
Registration Department,
Sivagangai,
Sivagangai District.

2. The Sub Registrar,
Registration Department,
Ilayangudi,
Sivagangai District.

+1 CC to the SPL GP (SR-22414[F] dated 20/11/2020)

W.P (MD) No.16399 of 2020
20.11.2020

TP (CO)
CS (18.12.2020) 3P 4C