



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8812 of 2021

N.Muruganantham

... Petitioner

Vs.

1.The Joint Sub-Registrar - I,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent to register the Will, dated 07.11.1997, which was executed by the father of the petitioner in respect of the property in TS No.1021/1B, situated at Ward No.3, Block No.28, Palani Town, Dindigul District, to the extent of 17609 square feet by considering the petitioner's representation, dated 10.04.2021.

For Petitioner : Mrs.J.Balameenakshi

For Respondent : Mr.K.Sathiya Singh for R1
Additional Government Pleader
Mr.P.Mahendran for R2
Additional Government Pleader

ORDER

This writ petition has been filed for the issuance of writ of Mandamus, directing the first respondent to register the Will, dated 09.11.1997, which was executed by the father of the petitioner.

2.Heard Mrs.J.Balameenakshi, learned counsel for the petitioner, Mr.K.Sathiya Singh, learned Additional Government Pleader for the first respondent and Mr.P.Mahendran, learned Additional Government Pleader for the second respondent.

3.In the present case, the Will is said to have been executed, on 07.11.1997. Thereafter, the father of the petitioner died, on 20.11.1998. The petitioner is seeking to register the Will in his capacity as the beneficiary to the Will much after the death of the



executant of the Will. Such registration can never be entertained and if at all the Will is registered, it has to be registered only by the executant. Of course, a registration of Will is only optional and it is not compulsory.

4. In view of the above, the relief sought for by the petitioner cannot be granted by this Court. If the petitioner has any difficulty in enforcing the Will, it is always left open to the petitioner to file a proper petition before the concerned Court under the Indian Succession Act and seek for Letters of Administration.

5. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The Joint Sub-Registrar - I,
Palani,
Dindigul District.

2. The Tahsildar,
Palani Taluk,
Dindigul District.

+1 CC to M/s.AGP (SR-18254[F] dated 30/04/2021)

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29.04.2021

SSS(CO)

TR(08.07.2021) 2P 4C