



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10442 of 2021

M.D.Suyamprakasam

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office, Thanjavur.

2. The Joint Sub-Registrar No.1,
O/o. District Registrar Office,
Thanjavur.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the second respondent for registering the cancellation of the Will document dated 06.11.2020.

For Petitioner : Mr.S.Jayachandran
For R-1 & R-2 : Mr.M.Lingadurai
Government Advocate

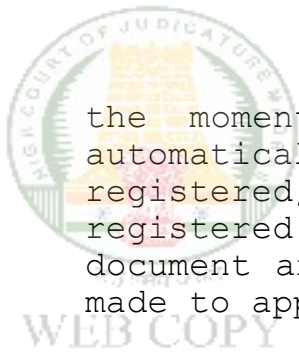
ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to register the cancellation deed, executed by the petitioner on 06.11.2020.

2. The case of the petitioner is that he is the absolute owner of the subject property. The petitioner is aged about 91 years. The petitioner had executed a Will on 27.10.2016 and the same was registered on the file of the second respondent in Document No.191 / 2016. The petitioner, thereafter, decided to cancel this Will and hence, a cancellation deed was executed on 06.11.2020 and presented before the second respondent. Since the same was not entertained, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.S.Jayachandran, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

4. In the considered view of this Court, a Will can be cancelled any time by the Executor during his life time. In fact,



the moment, a subsequent Will is executed, the earlier Will automatically gets cancelled. However, since the earlier Will was registered, the petitioner wanted the cancellation also to be registered. The second respondent ought to have entertained the document and registered the same. Instead, the petitioner has been made to approach this Court seeking for necessary directions.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the second respondent to register the cancellation deed, dated 06.11.2020, presented by the petitioner forthwith and release the document to the petitioner after registration. The petitioner shall pay the necessary stamp duty and registration charges.

6. This Writ Petition stands allowed with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 District Registrar,
District Registrar Office, Thanjavur.
2. The Joint Sub-Registrar No.1,
O/o. District Registrar Office,
Thanjavur.

+1 CC to M/s.S.JAYACHANDRAN, Advocate SR-20077[F] dated 24/06/2021
+1 CC to M/s.SPL GP (SR-20159[F] dated 24/06/2021)

Order made in
W.P. (MD) .No.10442 of 2021
Dated : 23.06.2021

mj (CO)
TR(29.06.2021) 2P 5C