



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15264 of 2021

and

W.MP. (MD) .No.12173 of 2021

WEB COPY

P.Periyasamy

... Petitioner

Vs.

1.The Government of Tamil Nadu

Rep.by its Secretary,
Registration Department,
Secretariat, Chennai - 9.

2.The Inspector General of Registration,

100, SanthomeSalai,
Mullima Nagar,
Manthaivelipackam,
Raja Annamalaipuram,
Chennai - 600 028.

3.The District Registrar,
District Registration Office,
Trichirapalli District.

4.The Sub-Registrar,
Musiri,
Trichirapalli District.

... Respondents

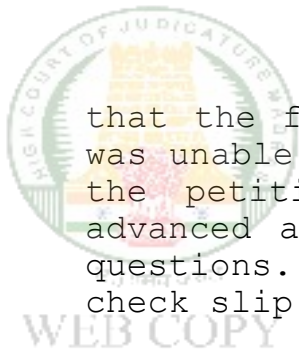
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the fourth respondent pertaining to its impugned Check Slip dated 06.08.2021 (TP/104134068/2021) and to quash the same and consequently direct the respondents to register the Will of the petitioner forthwith.

For Petitioner : M/s. N.Sudhagar Nagaraj

For Respondents : Mr.R.Baskaran,
Counsel for State,

ORDER

The petitioner challenges a refusal check slip dated 06.08.2021, whereby the will presented for registration was not registered by the fourth respondent. The petitioner is a senior citizen aged about 71 years. He executed a will in favour of his son on 02.08.2021 and visited the office of the fourth respondent on 06.08.2021 in order to register such will. The petitioner states



that the fourth respondent refused to register the will because he was unable to name the beneficiaries of the will. It is stated that the petitioner was unable to hear properly on account of his advanced age and, therefore, could not reply properly to the said questions. The present appeal has been filed to assail the refusal check slip.

2.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the registration authorities are obligated to examine whether the person presenting the document is doing so while in a sound state of mind. By referring to the impugned refusal check slip, he states that the Sub-Registrar concerned has recorded that the executant of the will was not in a sound disposing state of mind.

3.Upon examining the affidavit and the refusal check slip, it cannot be said that the impugned order contains any infirmity. At the same time, it should be taken note of that senior citizens are likely to suffer from various health conditions, including hearing impairment. Therefore, as long as it can be ascertained on the basis of medical opinion that the testator is in a sound state of mind to execute and register the document, the process of registration should be facilitated. Accordingly, the petitioner is permitted to re-submit the will for registration after obtaining and providing relevant documents to establish that he is in a sound state of mind. Such a request may first be made to the second respondent. Upon receipt of necessary instructions from the second respondent, the petitioner may re present the will for registration before the fourth respondent. Upon such re presentation before the fourth respondent, the fourth respondent is directed to consider the re submitted document and take a reasoned decision thereon. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4.W.P.(MD).No.15264 of 2021 is disposed of these terms without any order as to costs. Consequently, connected WMP.(MD).No.12173 of 2021 is closed.

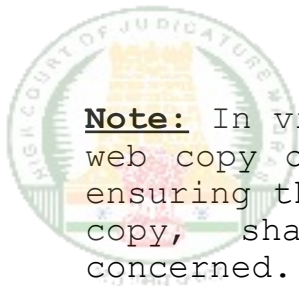
Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

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Musiri,
Trichirapalli District.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-27590[F] dated
27/08/2021)

+1 CC to M/s.The Special Government Pleader (SR-27833[F] dated
01/09/2021)

W.P (MD) No.15264 of 2021

and

W.MP. (MD) .No.12173 of 2021

27.08.2021

RS (07.09.2021) 3P 7C