



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15260 of 2021

C.Manikandan Raja

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100 Santhome High Road,
Pattinapackam,
Santhome,
Chennai-28.

2.The District Registrar (Administration)
Registration Department,
Periyakulam Post,
Theni District.

3.The Sub Registrar,
Bodinayakanur Sub Registrar Office,
Registration Department,
Bodinayakanur Post
Theni District.

4.G.Sivavaishnavi

5.G.Sivasri

6.R.Sivani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's appeal in Na.Ka.No.2632/2021 dated 21.06.2021 seeking cancellation of Will Deed No.84 of 2008 dated 24.07.2008 registered in the third respondent office in respect of the petitioner's land bearing patta No.406 in Survey No.72/3 C, 73/3 D-1 measuring an extent of 31 ½ cents situated in Bodinayakanur Village, Puthuparavu, Bodinayakanur Taluk, Theni District and also lands comprised in S.No.330/3, measuring an extent of 1638 Sq.Ft., in Door No.415 having House Tax Receipt No.353 situated at Uthapanayakanur Village, Usilampawtti Taluk, madurai District and giving opportunity to the 4th 5th and 6th respondents within a time stipulated in the light of the first respondent Circular Lr.No.41520/V1/2017 dated 20.10.2017, 03.11.2017 and 09.11.2018 and Tamilnadu Registration Act Section 68(2) 82, 83 by this Court.

For Petitioner : Mr.Karuppasamy Pandian.M

For Respondents : Mr.R.Baskaran,

Counsel for State for R1 and R3



ORDER

The petitioner seeks the expeditious disposal of an appeal filed before the second respondent on 21.06.2021.

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2. The petitioner states that his parents Chellapandian and Kamuthai had three sons namely, Ramapandian, Gyanasanmuga Baskaran and the petitioner, S.Manikanda Raj. The petitioner alleges that his father possessed an ancestral property in survey No.330/2, Door No.415. Similarly, his mother possessed ancestral property in Theni District in survey No.72/3 C and 73/3D. Such properties were partitioned between the petitioner's father and two brothers under a registered partition deed dated 27.07.2021, bearing document No.2556/2007. In these circumstances, the petitioner states that he was shocked to find that a will had been registered by his father on 24.07.2008. According to the petitioner, such will was allegedly executed when his father was about 80 years old and in an infirm state. The appeal before the second respondent for cancellation of the will was filed in these facts and circumstances.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He submits that the registration authorities do not have the authority to cancel a registered will. Subject to this qualification, he submits that the second respondent may be directed to consider and dispose of the appeal.

4. The registration authorities are not authorised to decide questions of title. They are also not authorised, as on date, to cancel a registered document. However, such authorities are authorised to undertake an inquiry as to whether any irregularity or fraud occurred in course of registration. For instance, an inquiry can be conducted as to whether there was forgery or impersonation or as to whether the person presenting a document as an agent of the principal concerned was duly authorised to present such document. In addition, the authenticity of documents produced before the registration department, which formed the basis for permitting registration may be examined.

5. Subject to the above observations but without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's appeal dated 21.06.2021 and dispose of the same by a reasoned order within a period of three months from the date of receipt of a copy of this order. In view of the fact that the merits of the matter have not been examined, notice to the private respondents is dispensed with. The second respondent is directed to dispose of the appeal after providing a reasonable opportunity to the petitioner, the private respondents herein and any other parties to such appeal.



6. W.P.(MD).No.15260 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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 Inspector General of Registration,
No.100 Santhome High Road,
Pattinapackam,
Santhome,
Chennai-28.
- 2.The District Registrar (Administration)
Registration Department,
Periyakulam Post,
Theni District.
- 3.The Sub Registrar,
Bodinayakanur Sub Registrar Office,
Registration Department,
Bodinayakanur Post
Theni District.

+1 CC to M/s.SPL GP (SR-27638[F] dated 31/08/2021)

W.P(MD)No.15260 of 2021
27.08.2021

GC(06.09.2021) 3P 5C