



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17136 of 2021

and

W.M.P.(MD)No.14037 of 2021

WEB COPY

Kamala

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai-600 028.

2.The Sub Registrar,
Sub Registrar's Office,
Vadipatti, Madurai District.

3.Mangaleshwari

4.Kalaiselvi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second respondent from registering any document with respect to the property to an extent of 42 cents situated in S.No.79/3C in T.Andipatti Village, Vadipatti Taluk, Madurai District mutated in the name of the third and fourth respondents.

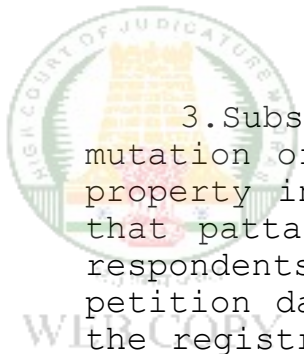
For Petitioner : Mr.S.Vellaichamy

For R1 and R2 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks to restrain the second respondent from registering any document in respect of the property of an extent of 42 cents situated in S.No.79/3C in T.Andipatti Village, Vadipatti Taluk, Madurai District.

2.The petitioner states that the above mentioned property originally belonged to her brother, S.Ramachandran. Since the petitioner took care of her brother, it is stated that he executed a Will on 21.12.2020 and bequeathed his properties to the petitioner as also respondents 3 and 4. The said Will contained four schedules and the petitioner states that the property described in schedule A was bequeathed in her favour.



3.Subsequently, it is stated that the petitioner applied for a mutation of the patta in respect of the above mentioned schedule A property in her name. At that juncture, the petitioner discovered that pattas had been issued in the name of the third and fourth respondents. Therefore, the petitioner submitted an objection petition dated 06.09.2021 to the second respondent so as to prevent the registration of conveyances in respect of the relevant property by the third and fourth respondents herein.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He submits that the second respondent may be directed to consider and dispose of the petitioner's objection petition on merits and in accordance with law.

5.The petitioner has enclosed a copy of the Will dated 21.12.2020. The said Will contains four schedules. It appears that the A schedule to such Will pertains to the property bearing S.No.79/3C. The A schedule property appears *prima facie* to have been bequeathed to the petitioner herein. The petitioner has also enclosed the death certificate and legal heir certificate of her brother, Ramachandran, and that of the son of Ramachandran. On the basis of these documents, the petitioner is entitled to a consideration of the objection petition dated 06.09.2021. Needless to say, a reasonable opportunity should be provided to the petitioner and the private respondents herein before taking a decision on the petitioner's objection petition.

6.Accordingly, without entering any findings on the merits of the matter, the second respondent is directed to consider the petitioner's objection dated 06.09.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the private respondents herein and any other parties who would be affected by such decision. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of a copy of this order.

7.W.P.(MD)No.17136 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD)No.14037 of 2021 is closed.

Sd/-

Assistant Registrar (AS)

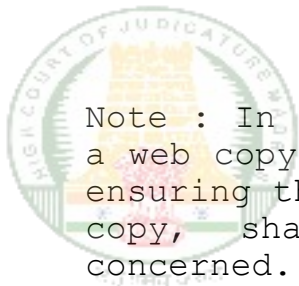
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/ /2021

Sub Assistant Registrar(CS)

sjj

<https://hcservices.ecourts.gov.in/hcservices/>



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

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai-600 028.

2.The Sub Registrar,
Sub Registrar's Office,
Vadipatti, Madurai District.

+1 CC to M/s.SPL. GP (SR-30128[F] dated 24/09/2021)

+1 CC to M/s.S.VELLAICHAMY, Advocate (SR-30250[F] dated
24/09/2021)

W.P (MD) .No.17136 of 2021
23.09.2021

RD(1.10.2021) 3P 5C