



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.20674 of 2021

and

W.M.P(MD) No.17296 of 2021

WEB COPY

G.Arumugam

... Petitioner

Vs.

The Joint-I Sub Registrar,
Sub Registrar Office,
Palayamkottai,
Tirunelveli District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned check slip issued by the respondent in RFL/1 Joint Sub Registrar Palayamkottai/66/2021 dated 03.11.2021 and quash the same as illegal and consequently direct the respondent to entertain documents presented by the petitioner for registration and register the same in accordance with law.

For Petitioner : Mr.S.Velrajan

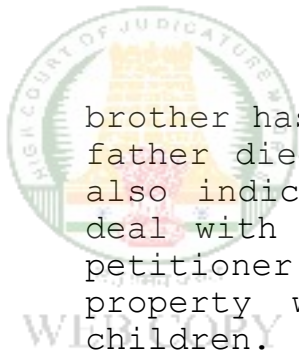
For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner had the benefit of being bequeathed with the particular property by his father, who had executed a 'Will' on 07.04.1991. The said 'Will' has been registered as document No.40/1991 in the office of the Joint -I Sub Registrar, Sub Registrar Office, Palayamkottai.

3.As a matter of fact, under the said 'Will' property had been also bequeathed to another brother of the petitioner herein. It is stated by the learned counsel for the petitioner that the



brother has the copy of original registered 'Will'. Thereafter, the father died on 25.01.1999. The 'Will' has come into effect. This also indicates that the petitioner has also acquired the right to deal with the property which had been bequeathed to him. Now the petitioner seeks to execute a settlement deed settling the said property which had been bequeathed to him, in favour of his children. The respondent herein had refused registration claiming that the original 'Will' has to be produced.

4.It is the contention of the learned counsel for the petitioner that the Will had been registered in the very office of the respondent and the respondent can very well examine the genuinity of the 'Will' or the clauses thereunder, by examining the document which is already available in the office of the respondent herein. The petitioner has produced a certified copy of said 'Will' executed by his father.

5.In view of that particular fact, I would give a direction to the respondent to examine the certified copy of the 'Will' to examine the records if the 'Will' is already available in the office and thereafter, on coming to subjective satisfaction, if the settlement deed presented is otherwise in order, proceed to register the settlement deed in normal discharge of official duty. The petitioner may present the settlement deed for registration once again after going through the normal process on or before 03.12.2021 and on receipt thereof, if it is otherwise in order and after verifying the aspects relating to the 'Will', the Sub Registrar may proceed further to register it in the normal course of official duty.

6.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

The Joint-I Sub Registrar,
Sub Registrar Office,
Palayamkottai,
Tirunelveli District.

WEB COPY

+1 CC to M/s.S. VELRAJAN, Advocate (SR-35115[F] dated 19/11/2021)

+1 CC to M/s.SPL GP (SR-35329[F] dated 22/11/2021)

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