



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21289 of 2021

Gokilavarthini

... Petitioner

vs.

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Sub Registrar,
Registrar Office,
Ottanchathram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order of the second respondent vide proceedings in check slip Refusal No.RFL/Ottanchathram/67/2021 dated 22.11.2021 and quash the same as illegal and against the Section and procedure under the Registration Act and direct the second respondent to register the settlement deed, dated 22.11.2021 executed by the petitioner.

For Petitioner : Mr.Sarvagan Prabhu

For Respondents : Mr.N.Satheeshkumar

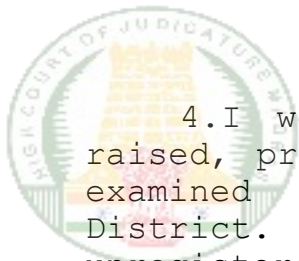
Additional Government Pleader

O R D E R

The petitioner herein had presented for registration a Settlement Deed. One Mr.A.Muthupandian, had six daughters and one son. The present petitioner is the daughter-in-law/wife of the son. Muthupandian had executed a Will on 27.11.2015 bequeathing the particular property mentioned in the Settlement Deed in favour of the petitioner herein. The Will was not registered. Now the petitioner wants to settle that particular property in favour of her husband/son of Muthupandian.

2.The second respondent herein before whom the settlement which had been presented for registration had refused to register the document claiming that the Will through which the petitioner claims title over the property was unregistered and also that the revenue records showing mutation of the name of the petitioner have not been produced prior to presenting the document for registration.

3.Heard Mr.Sarvagan Prabhu, learned counsel appearing for the petitioner and Mr.N.Satheeshkumar, learned Additional Government Pleader, who takes notice for the respondents.



4.I would defer entering into any discussion on the issues raised, primarily, because these are issues, which will have to be examined only by the Sub Registrar, Ottanchathram, Dindigul District. If the Sub Registrar is of the opinion that the unregistered Will might be called into question by any of the daughters or might have already been called into question by any of the daughters, it is for him to enter into a personal satisfaction of that particular fact by issuing notice to the daughters and seeking a direct answer with respect any aspect surrounding the Will executed by Muthupandian. If any one of them raises any objections, the Sub Registrar may, either proceed further to register the document or on conclusion of such enquiry direct the parties to get appropriate relief from the civil Court. This discretion is entirely vested with the Sub Registrar. The nature of enquiry to be conducted and the persons with whom such enquiry are to be conducted are also indicative from reading of the document presented for registration.

5.Let this Court not substitute its work for that of a Sub Registrar of Oddanchathiram but rather place an obligation on the said official to conduct such enquiry in manner known to law and after affording due notice to all the parties concerned and after hearing them.

6.The issue with respect to mutation of names in the records stands, is again an issue which this Court can never resolve not should be prepared to resolve. That is an issue entirely within the sole consideration of the Sub Registrar.

7.Observing as above, a direction is given to the petitioner herein to first give the list of addresses of the sisters of her husband to the second respondent and thereafter, if the Sub Registrar decides that an enquiry is required, let him issue notice to them, call them for enquiry, place the Will before them and thereafter, take a considered decision. The Sub Registrar may take a decision within a period of four weeks from the date of commencement of any enquiry. I hope by issuing such notice, peace among the family would not be disturbed and if the daughters have actually no objections, they may retain that particular stand.

8.Observing above, the writ petition stands disposed of. No costs.

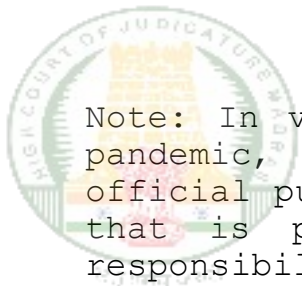
Sd/-

Assistant Registrar (CS-II)

// 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
1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Sub Registrar,
Registrar Office,
Ottanchathram,
Dindigul District.

+1 CC to M/s.SPL GP (SR-36737[F] dated 01/12/2021)

W.P. (MD) No.21289 of 2021
30.11.2021

NSN(CO)
KB(10.12.2021) 3P 4C