



W.P.No.26064 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.26064 of 2022

B.Poonguzhali

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
Court Compound, Velipalayam,
Nagapattinam,
Nagapattinam District – 611 001.

3.The Sub-Registrar,
Sub-Registrar Office,
Thenpathi,
Sirkazhi,
Mayiladuthurai District – 609 110.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the third respondent herein to register the will dated 06.10.2021 executed by the petitioner's sister namely Parimala in favour of the petitioner herein.

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For Petitioner : Mr.J.Prakasam

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

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

2. This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the third respondent herein to register the will dated 06.10.2021 executed by the petitioner's sister namely Parimala in favour of the petitioner.

3. The case of the petitioner is that the petitioner's sister married one Sekar, who is the brother of petitioner's husband. The said Sekar died on 05.03.2020. After the death of Sekar, petitioner's sister inherited his entire property and she is the only legal heir. Thereafter, petitioner's sister bequeathed her entire property and executed a will on 06.10.2021 in favour of



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the petitioner. Subsequently, the petitioner's sister died on 04.01.2022.

Therefore, the petitioner submitted the will dated 06.10.2021 before the respondents 1 to 3 for registration. Hence, the petitioner made a representation dated 29.07.2022 before the respondents 1 to 3 seeking for similar relief. However, till date, no order was passed. Hence, this writ petition.

4. Learned counsel for the petitioner would submit that it would suffice this Court may issue a direction to the third respondent to consider the petitioner's representation dated 06.10.2021 within a time frame that may be fixed by this Court.

5. Learned Government Advocate appearing for the respondents would submit that the petitioner sent a will by way of a registered post to the third respondent. As per Rule 78 of Tamil Nadu Registration Rules, 1983, the will cannot be registered, which was received by way of registered post and the same should be presented in person for registration. Therefore, the will presented by the petitioner was returned on 05.08.2022.



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6. Heard the learned counsel on either side and perused the materials placed on record.

7. The facts in the present case is not in dispute. Admittedly, the petitioner presented a will dated 06.10.2021 for registration by way of registered post before the third respondent and the same was returned on 05.08.2022 in terms of Rule 78 of Tamil Nadu Registration Rules, 1983. In view of the above, no affirmative direction can be issued in favour of the petitioner, however, liberty is granted to the petitioner to present the will for registration in the manner know to law, if the will is presented, respondent is directed to entertain the same and pass appropriate orders.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No



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M.DHANDAPANI,J.

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