



WEB COPY

W.P.No.8171 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8171 of 2023

Mr.S.N.Rajaguru

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
No.6/1, G.R.D. Road,
Coimbatore – 641 018.
- 3.The District Registrar (Administration),
District Registrar Office, Collectorate Complex,
Coimbatore – 641 018.
- 4.The Sub Registrar,
Gandhipuram Sub Registrar's Office,
Coimbatore – 641 035.
- 5.R.Amutha
- 6.R.Venkatesh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Inspector General of



W.P.No.8171 of

Registration, Santhome High Road, Chennai – 600 028, the 1st respondent herein to consider the representation dated 24.08.2022 sent by the petitioner and pass suitable orders on the same within a time frame as may fixed by this Court.

For Petitioner	: Mr.B.Nedunchezhiyan
For R1 to R4	: Mr.D.Ravichander Special Government Pleader
For R5 & R6	: Ms.S.Pooja Shree For M/s.A.Parthasarathy and Associates

ORDER

The relief sought for in the present writ petition is to direct the Inspector General of Registration to consider the representation dated 24.08.2022 sent by the petitioner.

2. The petitioner states that the subject property is a plot and a house has been constructed and originally belonged to one Mr.Ramasubbu. The petitioner states that the said Mr.Ramasubbu is the maternal uncle of the writ petitioner and he executed a 'Will' dated 15.12.2014 in favour of the writ petitioner. After the demise of the original owner Mr.Ramasubbu on



25.02.2015, the petitioner became the absolute owner of the property. The petitioner presented a settlement deed on 09.07.2022 for registration. The 4th respondent Sub Registrar refused to register the document. Meanwhile, the daughter and son of the original owner Mr.Ramasubbu, who are the respondents 5 and 6 respectively raised an objection, questioning the validity of the 'Will'. In this context, the respondents 5 and 6 have already instituted a civil suit in O.S.No.915 of 2016. Pertinently, the petitioner also instituted a civil suit in O.S.No.853 of 2016 for a declaration.

3. The maternal uncle of the petitioner executed an unregistered 'Will'. Challenging the said 'Will', the respondents 5 and 6 have instituted a civil suit. The petitioner has also filed a suit for declaration of title. When these suits are pending, further alienation would complicate the issues and any third interest if created would result in adverse repercussions. Thus, the decision of the registering authority cannot be found to be wrong and the parties are to resolve the issues at the first instance and only after declaration of title, further transactions will be entertained with the interest of justice and to avoid further complications in dealing with the subject property.



4. That apart, the District Registrar (Administration), Coimbatore also passed an order in proceeding dated 03.08.2022 in respect of the application filed by the respondents 5 and 6 that they should approach the Competent Civil Court for the purpose of resolving the issues and they have already approached the Civil Court. Thus, the parties are at liberty to establish their respective cases through documents and evidences and only after reaching finality, they are at liberty in dealing with the property in the manner known to law.

5. With this liberty, this Writ Petition stands disposed of. No costs.

11.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



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