



WEB COPY

W.P. No.31405 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.31405 of 2023

M.Kamalam

... Petitioner

Vs.

1. The District Registrar (Salem West)
No.313, 3rd Floor,
District Registration Office Campus,
Salem Collectorate Building,
Kottai Main Road, Salem - 636 001

2. The Sub Registrar
Magudanchavadi Sub-Registrar Office
Sankari Taluk, Salem District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Mandamus directing the 2nd respondent, S.R.O., Magudanchavadi, Sankari Taluk, Salem District, to accept the Gift Settlement Deed dated 16.06.2023 for registration thereby considering the petitioner's application for Pre-Registration Token Receipt No.TP/153938523/2023 dated 25.07.2023, within a stipulated time fixed by this Court.

For Petitioner : Mr.N.Vijaya Basker for
M/s. Law Vision

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

**ORDER**

This Writ Petition is filed for a Writ of Mandamus directing the 2nd respondent to accept the Gift Settlement Deed dated 16.06.2023 for registration thereby considering the petitioner's application for Pre-Registration Token Receipt No.TP/153938523/2023 dated 25.07.2023, within a stipulated time as may be fixed by this Court.

2. The contention of the petitioner is that the petitioner filed an application dated 25.07.2023 before the 2nd respondent to register the Gift Settlement Deed executed in favour of her son, whereas the, 2nd respondent returned the same stating that the Will dated 05.09.2018 executed by the petitioner's husband was not a registered document. Hence, the petitioner has come up with the present writ petition.

3. It is seen that the said document has been refused to be registered on the ground that unregistered Will has been produced as a prior document and since the genuinity of the Will could not be ascertained and also the prior original documents stated in the Will were not produced, the same has been returned with liberty to re-present the same with required documents.



4. Therefore, the petitioner is directed to produce all the documents as required by the Sub Registrar and if petitioner presents the required documents, the Sub Registrar shall consider the same if it is otherwise in order.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

02.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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