



W.P.(MD)No.9723 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9723 of 2021

Sakthi Ayyanar

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Virudhunagar,
Virudhunagar District.

2.The Sub Registrar -Joint II,
Sub Registrar Office,
Virudhunagar,
Virudhunagar District.

3.Saravanadevi

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the second respondent to hear the petitioner's objection if any documents filed by the third respondent for registering with regard to his parents properties bearing Survey No.350, Block No.13, D.No.181/6-B2/4, 181/6-B2/3, TVS Receipt No.31277 and 31276 and Town Survey No.368, D.No.1/A2, Tax Receipt No.31970 situated at Virudhunagar Town, Virudhuangar District.

For Petitioner : Mr.R.Murugappan



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For R1 and R2 : Mr.B.Saravanan
Additional Government Pleader

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ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent to consider the objections made by the petitioner and not to register any documents that is presented by the third respondent by relying upon the registered Will dated 27.04.2016.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the official respondents.

3.The case of the petitioner is that the third respondent relied upon an registered Will that is stated to have been executed by the father of the petitioner. According to the petitioner, this Will is a fabricated document and the third respondent has no right over the subject property. Therefore, a representation was made to the second respondent not to entertain any documents presented by the third respondent with regard to the subject property. Since the same was not acted upon, the present writ petition has been filed before this Court.



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4. In the considered view of this Court, the Will that has been relied upon by the third respondent is a registered document. The validity or otherwise of the Will cannot be gone into by the second respondent. Therefore, if the petitioner is aggrieved by the Will, that is utilized by the third respondent, the same has to be challenged by the petitioner before the competent civil Court in the manner known to law. Without resorting to the said remedy, the petitioner has merely given an objection before the second respondent. Hence, the relief sought for by the petitioner in the present writ petition cannot be granted by this Court. However, liberty is granted to the petitioner to question the Will that is alleged to have been executed in favour of the third respondent, in the manner known to law.

5. This Writ Petition is disposed of on the above terms. No costs.

17.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

1. The District Registrar,
District Registrar Office,



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N.ANAND VENKATESH, J.

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2.The Sub Registrar -Joint II,
Sub Registrar Office,
Virudhunagar,
Virudhunagar District.

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