



W.P(MD)No.1324 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1324 of 2015
and
M.P.(MD)No.1 of 2015

D.Senthil Vishvanath

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar
(Registration of Document),
Madurai.

3.The District Registrar
(Registration of Document),
1A, Thiruppathur Road,
Sivagangai District,
Sivagangai.

4.The Sub Registrar,
Tallakulam,
Madurai.

5.Nadanasababathy

6.Amudha

1/6



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7.R.Mookambigai

8.D.Gowri Manohari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 15.12.2014 within time stipulated by this Court.

For Petitioner : Mr.K.Gokul

For Respondents : Mrs.K.Chirstey Theboral,
Addl. Government Pleader for R1 to R4.

Mr.K.Hemakarhikeyan for R5 & R6.

Mr.S.Muthumalai Raja for R7.

No appearance for R8.

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader for the official respondents and the learned counsel for the private respondents.



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2.The petitioner gave representation dated 15.12.2014 before the second respondent for cancelling the registration of Will attributed to the petitioner's father / Deivendran. The Will is said to have been executed in favour of the private respondents.

3.It is well settled that even after the death of the testator, the Will can be registered. Section 41 (2) of the Registration Act r/w. Rule 69 of the Registration Rules provides for such registration. Of course, before registering the document, the Registrar has to hold an enquiry. Once a document has been registered, the registration cannot be cancelled by the registering authority. That was the position which originally prevailed. In any event, when the jurisdictional Civil Court is moved the fact that the Will was registered cannot be determinative. It will have to be proved independently and in the manner known to law. Registration of the Will by itself will not take away the petitioner's rights, if any. No purpose will be served by directing the second respondent to pass order on the petitioner's representation.



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4.Granted liberty to the petitioner to move the civil Court for establishing his rights, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.07.2023

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

- 1.The District Collector,
Sivagangai District.
- 2.The Tahsildar,
Manamadurai Taluk,
Sivagangai.
- 3.The Superintendent of Police,
Sivagangai District.
- 4.The Inspector of Police,
Poovanthi Police Station,
Manamadurai Taluk,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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