



WP(MD)No.21582 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.21582 of 2016

P.Sathyanathan

... Petitioner

Vs

1.The District Collector,
Collectorate Campus,
Madurai.

2.The District Registrar,
Having his Office at
Mahal, Palace Road,
Madurai District.

3.The Sub Registrar,
Arasaradi Sub Registrar,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the respondents to register the Will executed by the petitioner for the property situate in Madurai West Taluk, Melmadurai Village, Ward No.5, S.No.1208/22/2 within the land measuring 75000Sq.ft.



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For Petitioner : Mr.S.Suresh Kumar Isaac Paul
For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

This writ petition is filed for a writ of mandamus directing the respondents to register the Will executed by the petitioner in respect the property in S.No.1208/22/2, Ward No.5, Melmadurai Village, Madurai West Taluk.

2.The learned Additional Government Pleader appearing for the respondents by referring the letter of the District Collector, Madurai dated 20.03.2014 and the letter of the Government in No.3019/Aa.Ni4-1/2014-2, dated 01.08.2014 submits that the property in dispute belongs to one Mutt and a letter has been received from Bengalur Sri Sri Viyasaraja Mutt that the said property is administered by an IAS officer, appointed by the government of Karnataka and the government of Karanataka has also constituted an Advisory Committee headed by the former Chief Justice of India Mr.M.N.Venkatachalaiah and therefore, the property cannot be sold without no objection from the respondent



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mutt and also from the HR and CE Department as required under Section 6(13), 6(20) and 34 of the Registration Act, 1908 and Act II of 2009.

3.The 3rd respondent the Sub Registrar has filed a counter affidavit stating that the impugned Will is said to have been executed by the petitioner was neither formally presented for registration by the testator (the petitioner) before the 3rd respondent nor registration was refused by the 3rd respondent.

4.Considering the objection raised by the government in letter No.3019/Aa.Ni4-1/2014-2, dated 01.08.2014, this writ petition is disposed of with liberty to the petitioner to work out his remedy before the appropriate civil court. If any such civil suit is filed, the period of the pendency of the writ petition before this Court shall be excluded for the purpose of calculating limitation period, if any. No costs.

14.06.2023

dsk

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To

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B. PUGALENDHI, J.

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