



W.P.(MD)Nos.28677 and 28669 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)Nos.28677 and 28669 of 2022

W.P.(MD)No.28677 of 2022:-

S.Geetha

... Petitioner

vs.

The Sub Registrar,
Kottaram, Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the respondent herein made in RFL/Kottaram. 231/2022, dated 07.12.2022 and to quash the same as illegal and consequently, to direct the respondent to register the deed pertaining to the land measuring 14 ½ cents in S.Nos.319/2 and 319/3 in Kottaram East Village, Agasteeswaram Taluk, Kanyakumari District in favour of the petitioner forthwith.

For Petitioner :Mr.S.Balakarthick
For Respondent :Mr.C.Sathees
Government Advocate



W.P.(MD)Nos.28677 and 28669 of 2022

W.P.(MD)No.28669 of 2022:-

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S.Anbalagan

... Petitioner

vs.

The Sub Registrar,
Kottaram, Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the respondent herein made in his proceedings in RFL/Kottaram.231/2022, dated 07.12.2022 and to quash the same as illegal and consequently, to direct the respondent to register the deed pertaining to the land measuring 43 cents in S.Nos.319/2, 319/6 and 319/3 in Kottaram East Village, Agasteeswaram Taluk, Kanyakumari District in favour of the petitioner forthwith.

For Petitioner	:Mr.S.Balakarthick
For R1	:Mr.C.Sathees
	Government Advocate

COMMON ORDER

These Writ Petitions have been filed in the nature of Certiorarified Mandamus, seeking interference of this Court to the order passed by the



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respondent, dated 07.12.2022 and seeking for a direction to the respondent to register the deed pertaining to the land in S.Nos.319/2, 319/6 and 319/3 in Kottaram East Village, Agasteeswaram Taluk, Kanyakumari District in favour of the petitioner forthwith.

2.Heard Mr.K.S.Karthick, learned Counsel for the petitioner and Mr.C.Sathees, learned Government Advocate for the respondents in both cases.

3.A Sister and brother are before this Court seeking interference with the order of the respondent/Sub Registrar, Kottaram, Kanyakumari District, who refused to register the document presented on the ground that original should be produced. The original is a Will and the certified copy of the Will is available in the records. The will was registered in the office of the respondent. Therefore, the respondent could very well examine the records available in their own office. The order impugned in these Writ Petitions are set aside.

4.I am not enter into any discussion on further facts about the



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nature of contents of the Will or other aspects, but rather give a direction to the respondent to examine the certified copy and verify the same with the original available in their own office and then take a considered decision about the registration of document presented. The Writ Petitions are disposed of on this narrow ground itself. The respondent to take a decision about the registration or otherwise within a period of six weeks from the date on which, the document is again presented for registration. No costs.

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

10.03.2023

cmr

To

The Sub Registrar,
Kottaram, Kanyakumari District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)Nos.28677 and 28669 of 2022

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