



WEB COPY



WP.No.12358 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.12358 of 2023

P.Rajavelu

.. Petitioner

Versus

1. The District Registrar [Salem West],
No.313, 3rd floor, Collectorate Building,
O/o.District Collector Office, Salem – 636 001.

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

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to accept the partition deed dated 14.02.2023 for registration thereby considering the petitioner's application for Pre-Registration Token Receipt No.TP /143417168/ 2023 dated 14.02.2023, on the file of S.R.O, Sankari, Sankari Taluk, Salem District.

For Petitioner : Mr.N.Vijaya Basker

For Respondents : Mr.P.Anandhakimar
Government Advocate

ORDER



WP.No.12358 of 2023

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed for a direction, directing the 2nd respondent to accept the partition deed dated 14.02.2023 for registration thereby considering the petitioner's application for Pre-Registration Token Receipt No.TP /143417168/ 2023 dated 14.02.2023, on the file of S.R.O, Sankari, Sankari Taluk, Salem District.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. The case of the writ petitioner is that when he presented the partition for registration, the same was refused to be received and returned on the ground that the Will executed by the grandfather of the petitioner has not been registered. Hence, seeks a direction.

5. At the outset, this Court is of the view that as far as the Will is



WP.No.12358 of 2023

concerned, the registration of a Will is optional. The property can be bequeathed by a Will and the Will can be either registered or unregistered one.

Since, the Will being document which also convey title of the property, after the death of the testator, the authority cannot insist that the Will has to be a registered one.

6. Such view of the matter, the petitioner shall present the document within a period of one week from the date of receipt of a copy of this Order and the second respondent is directed to register the Partition Deed dated 14.02.2023 within a period of fifteen days thereafter.

7. Accordingly, this writ petition stands disposed of. No costs.

05.07.2024

dhk

Index	:Yes/No
Internet	:Yes/No
Neutral Citation	: Yes/No

N. SATHISH KUMAR, J.



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WP.No.12358 of 2023

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To,

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