



WEB COPY



W.P. No.12879 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12879 of 2024 and
W.M.P. Nos.14041, 14042 & 14045 of 2024

1.G.Raviraj

2.Minor Boovan Raj

Rep. by Executor G.Raviraj

... Petitioners

Vs

1.The Inspector General of Registration

No.100, Santhome High Road

Raja Annamalaipuram

Chennai - 600 028

2.The Deputy Inspector General of Registration

No.100, Santhome High Road

Raja Annamalaipuram

Chennai - 600 028

3.The District Registrar (Admin)

North Chennai

O/o.District Registrar

Chennai - 600 108

4.The Sub Registrar

SRO Madhavaram

No.7, 1st Street, Roja Nagar

Madhavaram, Chennai - 600 060



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5.Prem Kumar

6.Charulatha Mannar Devendran

7.M.R.Devendran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in No.214/B1/2022 dated 29.04.2022 and quash the same and direct the 2nd respondent to consider the representation of the petitioner dated 30.09.2022 and to cancel the settlement deed executed by the 5th respondent in favour of the 6th respondent by way of registered settlement deed executed on 26.06.2023 registered as Document No.4710 of 2023 on 26.06.2023 and the consequential document i.e., General Power of Attorney executed by the 6th respondent on the same day in favour of 7th respondent registered as Document No.4711 of 2023 and 26.06.2023 both on the file of SRO Madhavaram, Chennai.

For Petitioner : Ms.Sakthiguruchitra

For Respondents : Mr.B.Vijay
Addl. Govt. Pleader for R1 to R4

Mr.R.Krishnaswamy for R5 to R7

ORDER



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Challenge has been made to the order of the second respondent dated 29.04.2022 refusing to cancel the settlement deed executed by the 5th respondent in favour of the 6th respondent and the consequential document, namely the General Power of Attorney executed by the 6th respondent in favour of 7th respondent.

2. Though the District Registrar has passed an order to the effect that since the Will has not been probated, the petitioner cannot deal with the property. On perusal of the entire materials, the crux of the issue between the parties is with regard to the genuineness of the Will. The petitioner stated to be a third party to the family. They relied upon the Will said to have been executed by the testator dated 06.05.2014. Whereas the respondents are natural legal heirs of the testator. Now it appears that a suit is pending in O.S. No.123 of 2022 on the file of Additional District Judge, Ponneri.

3. When the very dispute among the parties is with regard to the Will, it is for the competent civil court to decide the genuineness of the Will. The Will has to be established in the manner known to law only before the civil court.



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Therefore, the impugned order will not have any impact on establishing the rights of the parties before the civil court. If the writ petitioner wants to deal with the property, based on the Will, with the permission of the civil court, he could deal with the property.

4. With the above observation, the writ petition is disposed of. However, there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

27.06.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

1.The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram
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2.The Deputy Inspector General of Registration
No.100, Santhome High Road
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O/o.District Registrar
Chennai - 600 108

4.The Sub Registrar
SRO Madhavaram
No.7, 1st Street, Roja Nagar
Madhavaram, Chennai - 600 060

5.The Government Pleader
High Court, Madras

N.SATHISH KUMAR, J.

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