



WP.No.16707 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **27.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16707 of 2024

R.Shanmugam

.. Petitioner

Versus

1. The Inspector General of Registration,
No.100, Santhome High Road, Mandavelipakkam,
Raja Annamalai Puram, Chennai – 600 028.

2. The District Registrar, South Chennai Registration District,
South Chennai, Saidapet, Chennai.

3. The Sub Registrar,
Alandur Sub Registrar Office, Alandur, Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus by quashing the order of the third respondent dated 26.02.2024 vide No.119/2024 dated 26.02.2024 and consequently directing the respondents to register the Lease deed and Will deed dated 30.05.2023 executed by the father of the petitioner at the home of the petitioner.

For Petitioner : Mr.S.Madhusudanan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER



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

2. This Writ Petition has been filed to quash the impugned order of the third respondent vide No.119/2024 dated 26.02.2024 and consequently direct the respondents to register the Lease deed and Will deed dated 30.05.2023 executed by the father of the petitioner at the home of the petitioner.

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

4. The case of the petitioner is that his father wants to execute a lease deed and a Will. However, due to his ill health, he could not appear before the registering authority. When the petitioner requested the authorities by way of a letter to register the document on behalf of his father, the same has not been considered by the registering authorities and the present impugned Order has been passed. Challenging the same, the present Writ Petition.

5. At the outset, this Court is of the view that when the executant is



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not in a position to appear before the registering authorities physically to present a document, there is a provision under section 31 of the Registration Act, whenever a special cause being shown, the Sub Registrar can attend the residence of any person desiring to present the document for registration or to deposit a Will and accept for registration or deposit such document or Will. Therefore, if the petitioner's father desire to execute any document and present the document for registration and he is not really in a position to physically present before the Sub Registrar, the petitioner can resort to the provision under section 31 of the Registration Act by paying necessary fees to the authorities and on such request being made, the Sub Registrar, after satisfying himself the special cause shown, shall register the document as per law.

6. With the above direction, this Writ Petition stands disposed of. No costs.

27.06.2024

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

1. The Inspector General of Registration,
No.100, Santhome High Road, Mandavelipakkam,

<https://www.mhc.tn.gov.in/judis>



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Raja Annamalai Puram, Chennai – 600 028.

2. The District Registrar, South Chennai Registration District,
South Chennai, Saidapet, Chennai.
3. The Sub Registrar,
Alandur Sub Registrar Office, Alandur, Chennai.



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N. SATHISH KUMAR, J.

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