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W.P.No.32161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.32161 of 2024

and

WMP.No.35053 of 2024

Nithin

...Petitioner

Vs.

The Tahsildar,
Pappireddipattty Taluk,
Dharmapuri District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings by the respondent in Na.Ka.No.1694/2024/A1 dated 10.07.2024 and quash the same and consequently directing the respondent herein to issue patta in S.No.16/3B1, 16/3B2, 16/3B3, 16/3B4, 16/3A, 15/3A1, 15/3A2, 15/3A3, 15/3A4, 17/2D, 17/2A1A at Goundampatti Village, Pappireddipatti Taluk, Dharmapuri District, based on the 'Will' dated 20.09.2019.



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For Petitioner : Mr.J.Pradeep

For Respondent : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein has filed this writ petition challenging the order passed by the respondent dismissing the request of the petitioner seeking transfer of patta mainly on the ground that the Will relied on the petitioner was unregistered one.

2. By consent of both the learned counsel appearing for the petitioner as well as respondent, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that his paternal grandmother Jaya executed an unregistered Will dated 20.09.2019 bequeathing certain self acquired property in favour of the petitioner. Subsequently, she died on 19.03.2023. Thereafter, the petitioner submitted an on-line application in application No.2024/0103/05/262538 dated 23.05.2024 seeking transfer of patta in his favour based on the unregistered will executed by his grandmother



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and the same was rejected by the respondent on the ground that the will submitted by the petitioner was an unregistered one. Aggrieved by the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that the registration of Will is optional one and hence non-registration of the Will cannot be a ground to reject petitioner's application.

5. Mr.P.Sathish, learned Additional Government Pleader, takes notice for the respondent.

6. It is settled law that the registration of testamentary document is not compulsory. Therefore, unregistered will also convey good title to the beneficiary. The property covered by the Will of petitioner's grandmother are situated in Pappireddipatti outside city of Chennai. Therefore, there is no need to probate the Will. In such circumstances the reason given by the respondent for rejecting the request of the petitioner that the Will produced by him was unregistered is not tenable in law and hence liable to be set aside. Accordingly, the impugned order passed by the respondent is quashed and the writ petition



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stands allowed. The matter is remitted to the file of respondent. The respondent shall consider the request for transfer of patta, in the light of the clarification made supra and pass final orders, on it's own merits, after issuing notice to the petitioner and other interested parties, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

30.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

To

The Tahsildar,
Pappireddipattty Taluk,
Dharmapuri District.



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S. SOUNTHAR, J.

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