



W.P(MD)No.1816 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1816 of 2024

N.Senthil

... Petitioner

Vs.

The Sub-Registrar,
Samanatham Sub-Registrar Office,
Panaiyur Vilaku (Ayannapuram),
Madurai South Taluk,
Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register the document in the petitioner's name as per will dated 08.05.2017 executed by his grandmother in Old Survey No.111 and new survey No.111/2D in Patta No.14 extent of 4 cents at Kallambal 1st street, Panaiyur Village, Madurai South Taluk, Madurai District, based on the petitioner's representation dated 10.01.2024 within a specific period as fixed by this Court.



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For Petitioner : Mr.S.Balaji

For Respondent : Mr.B.Saravanan,
Addl. Government Pleader.

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ORDER

Heard both sides.

2.The petitioner wants to register an unregistered Will dated 08.05.2017 said to have been executed by his grandmother / Ammapillai in his favour. Section 41 of the Registration Act, 1908 permits registration Will even after the demise of the testator or testatrixes. The petitioner of course has to fulfill all the requisite statutory formalities. The respondent also will have to follow the procedures laid down therein. The petitioner is permitted to re-present the document. The respondent will follow the statutory procedure and take a call in the matter. I make it clear that I have not gone into the merits of the matter. The respondent will conclude the enquiry and the decision taken by him will be duly communicated to the writ petition in writing. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



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3. The writ petition is disposed of accordingly. No costs.

05.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Sub-Registrar,
Samanatham Sub-Registrar Office,
Panaiyur Vilaku (Ayannapuram),
Madurai South Taluk,
Madurai District.



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G.R.SWAMINATHAN, J.

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