



W.P(MD)No.17157 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.17157 of 2023

G.Veluchamy

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
District Collector Office,
Dindigul, Dindigul District.

2.The Sub Registrar,
Registrar Office,
Nagal Nayakanpatti,
Dindigul Town, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip in Refusal Number:RFL/Nagal Nayakanpatti/46/2023, dated 23.06.2023 issued by the 2nd respondent and quash the same as illegal and consequently, to direct the 2nd respondent to register the sale deed presented by the petitioner before the 2nd respondent office dated 23.06.2023.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.P.Subbaraj,

Special Government Pleader



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ORDER

Challenge has been made to the refusal check slip issued by the 2nd respondent dated 23.06.2023.

2. According to the petitioner, one Krishnaswami earlier trustee of “Guruswami Samathi Kottakadu Odukkam” during his life time, had executed a Will dated 03.09.1981 in favour of the petitioner to manage the trust properties after his lifetime. Therefore, after his death, the petitioner became hereditary trustee. In such circumstances, on a request made by the Dindigul Revenue Department, the petitioner rented out the trust property in Survey Nos.857/1 and 857/3 situated at Dindigul Taluk, Adiyanoothu Village for srilangan refugees camp. Thereafter, during inspection, the petitioner found that the property was in total damage and therefore, approached the revenue officials to rectify the same, but they refused to do so, since they were not allotted with any fund for renovation. Therefore, the petitioner decided to sell the property and deposit the sale amount in a nationalized bank to utilize the same for charitable purpose. Hence, he executed a sale deed dated 23.06.2023. When the same was presented for registration, the 2nd respondent, vide impugned refusal check slip dated 23.06.2023, refused the same on the ground that the petitioner has to



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appoint his son as a hereditary trustee as per the Will and cannot present the sale deed. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.At the outset, this Court is of the view that the Sub Registrar interpreted the Will executed by Krishnaswami, which has been duly approved before this Court in O.P.No.294 of 1985 and he has no right to interpret the Will. It is the duty of the Sub Registrar to register the document, if it is otherwise in order. Therefore, the refusal made by the 2nd respondent is quashed. The 2nd respondent is directed to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition is allowed. No costs.

30.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva



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N.SATHISH KUMAR, J

Yuva

To

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