



W.P.(MD)N.1166 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.1166 of 2018

P.Singaravelu

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai.

2.The District Registrar,
District Registration Office,
Tirunelveli.

3.The Joint Sub Registration No.1,
Sub Registration Office,
Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent in May.A.No.1/2017 dated 15.11.2017 and to quash the same and consequently directing the 3rd respondent to register the gift deed dated 15.11.2017 in his register within a stipulated time as fixed by this Court.



WEB COPY



W.P.(MD)N.1166 of 2018

For Petitioner : Mr. C.Jeyaprakash
For R1 to R4 : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the 3rd respondent in May.A.No.1/2017 dated 15.11.2017 and consequently directing the 3rd respondent to register the gift deed dated 15.11.2017 in his register within a specific time.

2. Heard both sides and perused the materials available on record.

3. The case of the petitioner is that the petitioner inherited the property from his mother through a Will dated 27.03.1994. When the petitioner presented the gift settlement deed in favour of his wife and son, the third respondent has passed the impugned order dated 15.11.2017 refusing to register the gift settlement deed on the ground that the said Will dated 27.03.1994 is an unregistered one. Hence, the impugned order cannot be sustained in the eye of law.



W.P.(MD)N.1166 of 2018

4. On the side of the respondents, no counter has been filed.

WEB COPY

5.The Registering authority does not even know the fundamentals that the registration of the Will is only an optional. Therefore insisting the registering of the Will does not arise at all. In that view of the matter, the order impugned in this writ petition dated 15.11.2017 is quashed and the third respondent is directed to register the gift settlement deed submitted by the petitioner within a week from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of.

No Costs.

12.08.2024

NCC : Yes / No

Index : Yes / No

PJL

To

1.The Inspector General of Registration,
100, Santhome High Road, Chennai.

2.The District Registrar,
District Registration Office, Tirunelveli.

3.The Joint Sub Registration No.1,
Sub Registration Office, Tirunelveli.



WEB COPY



W.P.(MD)N.1166 of 2018

N.SATHISH KUMAR , J.

PJL

W.P.(MD)No.1166 of 2018

12.08.2024