



W.P.(MD)No.19430 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19430 of 2024

K.Urkavalan

... Petitioner

Vs

1. The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar (Administration),
O/o.The District Registrar,
Palace Road,
Madurai.

3. The Sub Registrar,
O/o.The Sub-Registrar,
Thirupparankundram,
Madurai.

4. Rathinasamy

5. R.Velammal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 2nd respondent to conduct enquiry on the basis of the representation of the petitioner dated



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02.04.2024 and to give finding as to whether the document registered by the 3rd respondent vide document no. 5215/2022 dated 02.12.2022 which was originally pending document no. 33/2022 is in compliance with the Registration Act 1908.

For Petitioner : Mr. D.Shanmugaraja Sethupathi
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for a direction to the 2nd respondent to conduct enquiry on the basis of the representation of the petitioner dated 02.04.2024.

2.Heard Mr.D.Shanmugaraja Sethupathi, the learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents. Perused the materials available on record.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4.It is the case of the writ petitioner that the 4th respondent has executed a settlement deed in favour of the 5th respondent on 02.12.2022 based on the unregistered Will said to have been executed in the year 1994. The Testator died in the year 2009. However, the document has been presented for registration relying upon the said Will in the year 2022 and the same has been registered without any enquiry and without questioning the validity of the Will. Therefore, the petitioner seeks a direction to consider his representation to enquire into the validity in the Will.

5.At the outset, this Court is of the view that the writ petition itself is a misconceived one for the simple reason that the validity of the Will cannot be determined by the Sub Registrar. The registration of Will is optional. The only competent person to question the validity of the Will is the family members. The stranger has no right to question the Will.

6.Since it is stated by the learned counsel for the petitioner that already suit filed by the petitioner in O.S.No.116 of 2024 on the file of V Additional District Court, Madurai is pending, the parties can agitate their rights in the pending suit. This Court is not inclined to entertain this writ petition.



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7. Accordingly, this writ petition stands dismissed. No costs.

14.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To

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N.SATHISH KUMAR, J.

PNM

ORDER IN

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