



WP(MD). No.24627 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24627 of 2024

1. V. Karthick Raja,

2. V.S.Rishikesh

... Petitioners

Vs

The Sub-Registrar Joint No.4,
Madurai South,
Madurai.

... Respondent

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned refusal check slip in RFL/Joint Sub Registrar No. 4 Madurai South /20/2024 dated 14.10.2024 and quash the same and consequently direct the respondent to register the Mortgage Deed dated 14.10.2024 executed by the 1st respondent in favour of the 2nd petitioner.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

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By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed challenging the impugned refusal slip issued by the respondent dated 14.10.2024 and to direct the respondent to register the Mortgage Deed dated 14.10.2024 executed by the 1st petitioner in favour of the 2nd petitioner.

3. The petitioner's case is that when the 1st petitioner presented mortgage deed on basis of the bequeath made in the unregistered Will, the document has been refused to be registered citing that the Registrar has entertained a doubt about the Will and the petitioners have also relied upon the order of this Court dated 11.09.2020 in WP No.12384/2020.

4. I have considered the rival submissions and perused the materials available on record.



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5. As far as the Will is concerned, it is not for the authorities to go into the validity and the family members alone can challenge the validity of the Will and genuinity of the Will is not the germane of the respondent. Further he has not conducted enquiry in this regard also. That apart, the other reason citing the order of this Court dated 11.09.2020 in WP No.12384/2020 is concerned, a perusal of the order would go to show that the authority has negatived the prayer of not to register any document. In that context, this Court has directed the petitioner to establish the Will in the manner known to law. Therefore, orders cannot be made mechanically. As long as the family members have not disputed the Will, the respondent cannot refuse to register the document.

6. Accordingly, the writ petition is allowed and the impugned order dated 14.10.2024 stands quashed. The respondent is directed to register the document within a period of two weeks from the date of receipt of a copy of this order.

19.10.2024

RR

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TO

1. The Sub-Registrar Joint No.4,
Madurai South,
Madurai.



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N.SATHISH KUMAR,J

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**ORDER
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