



W.P.(MD)No.24172 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24172 of 2023

and

W.M.P.(MD)No.20321 of 2023

1.R.M.Sethuraman

2.Saraswathi

... Petitioners

Vs.

The Sub Registrar,
Tirupattur, Karaikudi, Sivagangai.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip in No.RFL/Tirupattur_Karaikudi/80/2023 dated 25.08.2023 issued by the respondent and quash the same and consequently direct the respondent to register the Will dated 15.08.2023 in Book No.3 of the respondent office and release the document to the petitioners within the time fixed by this Court.



W.P.(MD)No.24172 of 2023

For petitioners : Mr.H.Arumugam

For Respondent : Mr.R.Ragavendran
Government Advocate

ORDER

Heard the learned counsel on either side.

(*) 2.The petitioners herein are siblings. Sethuraman executed a settlement deed dated 22.02.2018 vide Document No.451/2018 in favour of his sister / Saraswathi. Thereafter, Saraswathi executed settlement deed dated 28.02.2018 vide Document No.496/2018 in favour of her grandson. While so, the petitioners presented the petition mentioned Will for registration. Registration was refused on the ground that an order of interim injunction has been granted in W.P.(MD)No.6767 of 2023. The said writ petition was disposed of vide order dated 19.06.2024.

3.A Will is not a document of cancellation. The registering authority need not concern himself with the title of the testators and the legal consequences flowing therefrom.

4.In this view of the matter, the impugned refusal check slip is quashed. The petitioners are permitted to re-present the petition mentioned Will. The respondent shall register the same.

5.The writ petition is allowed on these terms. No costs. Consequently,



W.P.(MD)No.24172 of 2023

connected miscellaneous petition is closed.

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(*) Inserted vide CO order date 27/08/2024

Sd/-

Assistant Registrar(RTI)

Sd/-

Assistant Registrar()

// True Copy //

/09/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

SKM

To be substituted to the order already depatched on 20/8/2024.

To:

The Sub Registrar,
Tirupattur,
Karaikudi,
Sivagangai.

W.P.(MD)No.24172 of 2023

and

W.M.P.(MD)No.20321 of 2023

19.06.2024

ED/ /SAR- (09/07/2024) 3P / 2C

BV(23/09/2024) 3P/ 2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023