



W.P.(MD)No.28620 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28620 of 2024

Kuppusamy

...Petitioner

-Vs-

The Sub Registrar,
Nagalnayakanpatti Sub Registration Office
Dindigul District.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to receive and register the Will dated 07.10.2024 executed by the Petitioner in favour of his daughters within the time frame as fixed by this Court.

For Petitioner : Mr.A.Sheik Nasurdeen

For Respondent : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed for a direction, directing the respondent to receive and register the Will dated 07.10.2024 which was executed by the petitioner in favour of his son.



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2.The property comprised in Old T.S.No.696, New T.S.No.696/2 measuring 760 sq.ft bearing Door No.12B situated at Pallivasal Street, Nagar Nagar, 6th Ward, Dindigul Town, Dindigul. The property comprised in old T.S.No.696 is concerned, it was jointly purchased by the petitioner and his brothers by a registered sale deed vide document No.906 of 1978. The petitioner and his father were in possession and enjoyment of the subject properties and after his demise, the petitioner and his brothers have orally partitioned the properties and the petitioner was also allotted his shares.

3.After partition, the petitioner has mortgaged the subject property by registering mortgage deed dated 31.03.1998 vide document No.1406 of 1998. Thereafter, for repayment of the entire loan, the petitioner has also redeemed the property on 31.03.1999 vide registered document No.747 of 1999. Subsequently, the petitioner mortgaged them to Dindigul Co-operative Society Bank Limited through a registered mortgage deed dated 29.10.2001 vide document No.2648 of 2001. Later, the petitioner has redeemed the property dated 05.10.2005 registered vide document No.3156 of 2015. Thereafter, the petitioner has decided to settle the property in favour of his son through Will. When the petitioner submitted a document for registration on 07.10.2024, it was



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refused to receive by the respondent, since there was no registered partition and the subject property has been divided by the petitioner by oral partition.

4.In view of the above, the petitioner is directed to present the Will and on receipt of the same, the respondent is directed to register the same, if it is otherwise in order.

5.With the above said directions, this writ petition stands disposed of. No costs.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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G.K.ILANTHIRAIYAN. J,

RJR

To

The Sub Registrar,
Nagalnayakkanpatti Sub Registration Office
Dindigul District

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