



W.P (MD).No.29720 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.29720 of 2024

K.Bahuleyan

...Petitioner

Vs.

1.The District Registrar,
Kanyakumari District,
Nagercoil.

2.The Sub-Registrar,
Sub Registrar Office,
Thuckalay,
Kanyakumari District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Refusal Check Slip in Refusal Number RFL/Thuckalay/273/2024 dated 19.11.2024 passed by the second respondent herein and quash the same as illegal and further direct the second respondent herein to re-enquire the issue and register and release the Will document dated 19.11.2024 within a time stipulated by this Court in the light of the Judgment made by this Court in Sudha Ravikumar vs. The Special Commissioner and Commissioner, HR & CE Department reported in 2017 (3) CTC 135.



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For Petitioner : Mr.R.Murugan
For R1 & R2 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent dated 19.11.2024 thereby refused to register the Will executed by the petitioner dated 19.11.2024 on the ground that the subject property belongs to Puliyoorkurichi Village, Radhakrishnasamy Salaguri Aradhana Dharmam.

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

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The property comprised in Old Survey No.3937, S.No.506/26C1C to an extent of 5 cents under patta No.6872 in old Door No.1-2A, New No.1-10 situated at Sadayamangalam Village, Kalkulam Taluk, Kanyakumari District originally belongs to one minor Radhika, daughter of Arumugampillai, who



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alienated the same by her mother Saraswathi as a guardian by way of sale deed dated 29.10.2003 in favour of the petitioner vide document No.2477 of 2003.

The petitioner is in possession and enjoyment of the said property. The petitioner, due to his old age, decided to execute the Will in favour of his daughter and executed a Will on 19.11.2024 and thereafter, it was presented for registration before the second respondent. The second respondent refused to register the same and issued the refusal check slip on the ground that the subject property belongs to Puliyoorkurichi Village, Radhakrishnasamy Salaguri Aradhana Dharmam by its trustee Meenakshi Amma as per A register. If the subject property belongs to any Temple, the second respondent ought to have conduct an enquiry before issuing the refusal check slip as contemplated under Section 22-A of the Tamil Nadu Registration Act. That apart, the refusal check slip issued in favour of Survey No.506/26 & 27 wherein, the property which was executed by the petitioner in favour of his daughter is in Survey No. 506/26C1C and the same is now sub-divided in S.No.506/27.

5. In view of the above, this Court finds infirmity in the order passed by the second respondent, dated 19.11.2024 and it cannot be sustained and liable to be quashed.



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6. Accordingly, the order of the second respondent dated 19.11.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the Will dated 19.11.2024 for registration and on receipt of the same, the second respondent is directed to conduct an enquiry under Section 22-A of the Tamil Nadu Registration Act after issuing notice to the petitioner and the counter parties and pass orders within a period of four weeks thereafter. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

10.12.2024

To

1.The District Registrar,
Kanyakumari District,
Nagercoil.

2.The Sub-Registrar,
Sub Registrar Office,
Thuckalay,
Kanyakumari District.



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G.K.ILANTHIRAIYAN, J.

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