



W.P(MD)No.1229

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1229 of 2024
and
W.M.P(MD)No.1258 of 2024

1.Ayngaramoorthi
2.Arumugam

... Petitioners

Vs

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhom High Road,
Chennai-600 028.

2.The Deputy Inspector General,
Office of the Deputy Inspector General,
Ramanathapuram District.

3.The District Registrar,
Office of the District Registrar,
Karaikudi.

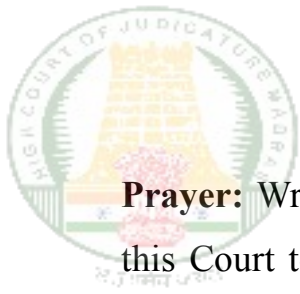
4.The Sub Registrar,
Office of the Sub Registrar,
Thondi,
Ramanathapuram District.

5.Rajendran

6.Mariappan

7.Nallasivam

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to expedite the enquiry based on the petitioner's representation dated 15.06.2023 and consequently direct the third respondent to cancel the Will Doc.No.7/1986 dated 21.11.1986 and the subsequent sale deeds Doc.No.345/1989 dated 21.07.1989 and Doc.No.107/2018 dated 05.02.2018 and Doc.No.1834/2022 dated 01.09.2022 based on Sec.77 (A) of Registration Act, 1908.

For Petitioner	: Mr.R.Senthilkumar
For R1 to R4	: Mr.D.S.Nadunchezian Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to expedite the enquiry based on the petitioner's representation dated 15.06.2023 and consequently direct the third respondent to cancel the Will Doc.No.7/1986 dated 21.11.1986 and the subsequent sale deeds Doc.No.345/1989 dated 21.07.1989 and Doc.No.107/2018 dated 05.02.2018 and Doc.No.1834/2022 dated 01.09.2022 based on Sec.77 (A) of Registration Act, 1908.

2. Heard Mr.R.Senthil Kumar, learned counsel appearing for the petitioner and Mr.D.S.Nedunchezian, learned Government Advocate appearing for the respondents 1 to 4.

3. By consent, this writ petition is disposed of at the admission itself.



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4. The case of the petitioner is that his paternal uncle Sundarampillai used to sign the documents in 'English'. Prior to the death, his paternal uncle Sundarampillai had executed a sale deed in Doc.No.241/1986, dated 21.05.1986 before the fourth respondent. In the aforesaid document, his paternal uncle has made his signature in English which is his original signature. In this circumstances, on 20.11.1986 a forged 'Will' has been executed before the fourth respondent as Doc.No.241/1986. His paternal uncle died on 20.11.1986 at about 06.30 a.m., but the document has been registered by the fourth respondent on 21.11.1986. Hence, the document No. 241/1986 registered before the fourth respondent is forged one and it has been registered with impersonation and it has been registered with an intention to grab the property from the legal heirs of his paternal uncle Sundarampillai. Based on the forged Will, one Rajendran, S/o.Ganesanpillai has executed a sale deed in favour of Mariappan, S/o.Kottaimuthu and the same has been registered as Doc.No.345/1989. Based on the same, Rajendran, S/o.Ganesanpillai has executed a sale deed dated 05.02.2018 in favour of Mariappan S/o.Thondiraj and the same has been registered as a Doc.No.107/2018. In the said sale deed in page No.2 it has been stated that his paternal uncle Sundaram Pillai has died on 22.11.1986. But the actual date of death of his paternal uncle Sundarampillai is 20.11.1986. It is also stated in the said document that the said 'Will' has been executed on 21.11.1986 before the fourth respondent in book No.3, Volume-9, Page 9 to 10 and registered as Doc.No.7/1986. It is also stated that the said Will has been executed by Rajednran's mother's maternal



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uncle namely Sundarampillai. The aforesaid statement clearly reveals that the Will has been executed by impersonation and forgery.

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5. The petitioner has made a representation to the third respondent on 15.06.2023 to cancel the Will Doc.No.7/1986, dated 21.11.1986 and the subsequent sale deeds Doc.No.345/1989 and Doc.No.107/2018, dated 05.02.2018 and Doc.No. 1834/2022 based on Section 77(A) of Registration Act, 1908. The third respondent has received the petitioner's representation and conducted an enquiry and it is pending till date without passing any orders.

6. It is to be seen that the petitioner cannot maintain the said prayer for cancellation of the Will before this Court as this Court has no power to consider the veracity of the Will. The Will executed is bogus or not has to be decided only by the Civil Court and not by this Court. This Court is not inclined to grant the prayer sought for by the petitioner. Hence, this writ petition is dismissed. It is left open to the petitioner to approach the competent Civil Court for cancellation of the Will or any other prayer. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet: Yes/No
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23.01.2024



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To

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Chennai-600 028.
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V.BHAVANI SUBBAROYAN, J.

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