



W.P.(MD)No.905 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.905 of 2025

and

W.M.P.(MD)No.569 of 2025

Devi

... Petitioner

/Vs./

1. The Inspector General of Registration,
Registration Department,
100, Santhome High Road, Foreshore Estate,
Chennai - 600 028.
2. The District Registrar (Administration)
Registration Department,
District Court Campus, Cantonment,
Trichy - 620 001.
3. The Joint Registrar
Joint 1 Sub-Registrar,
Registration Department,
Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to open the Will deposited by Venkatesa Perumal before the 2nd respondent in Box No. 2/2015 dated 16.10.2015 and hand over the original Will to the petitioner by considering the petitioner's representation dated 16.09.2021 28.09.2021 and 31.12.2024.



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For Petitioner : Mr.M.Rajeswari

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed for a direction, directing the respondents to open the Will deposited by one Venkatesa Perumal before the second respondent in Box No.2/2015 dated 16.10.2015 and hand over the original Will to the petitioner.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner's aunt, viz., Kasthuri bai married one Venkatesa Perumal in the year 1957 and they had no issues. The said Venkatesa Perumal had ancestral property situated at 16B, Keelacharayapattarai Street, Uraiyur, Trichy, admeasuring 1638.3/4 sq.ft, which was allotted through partition suit in O.S.No.22 of 1949, on the file of the Sub Court, Trichy. Thereafter, he had executed settlement deed in favour of his



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wife / Kasthuri bai on 12.03.1963 vide document No.581/1963. In turn, she executed a Will dated 11.01.2001, vide document No.8/2001, in favour of the petitioner along with six others. The said Kasthuri died on 11.09.2001. As per the Will, the subject property devolves to Venkatesa Perumal. Subsequently, he executed a Will in favour of the petitioner and he vest with the first floor and appurtenant attachment of ground floor in favour of the petitioner by the Will dated 16.10.2015 and deposited the cover box. The copy of the same was handed over to the petitioner. Thereafter, he died on 19.02.2019. After his demise, the petitioner approached the third respondent to hand over the Will, as per Section 51(1)(a) of the Registration Act, the Will has been deposited and the said entry was made in Book No.5, in order to operate the same, it has to be opened and recorded in book No.3 and subsequently it should be returned to the beneficiary. However, due to computerization, the respondents could not be able to record the same in Bbook No.3 and failed to hand over the original Will in favour of beneficiary, viz., the petitioner herein.



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4. In view of the above, the second respondent is directed to open the deposit box and record the same in book No.3 and register the same in favour of the petitioner within a period of four weeks from the date of receipt of copy of this order, in the light of the Rule 69 of the Registration Rules.

5. With the above direction, this Writ Petition stands disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

10.01.2025

Index : Yes / No

NCC : Yes / No

LS

To

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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
10.01.2025