



W.P.(MD)No.9045 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.9045 of 2025

R.Vijayakumar Thondaiman

... Petitioner

vs.

1.The District Registrar,
District Registrar Office,
Pudukottai.

2.The Sub Registrar Joint -I,
Sub Registrar Office,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to register Will dated 18.08.2018 executed by the petitioner's mother Ramadevi Thondaiman on presentation of the same by the petitioner within the time stipulated by this Court.

For Petitioner :Mr.A.Navaneedha Krishnan
Senior Counsel for
Mr.P.Thennavan

For Respondents :Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

The writ petition has been filed for a Mandamus, directing the second respondent to register the “WILL” dated 18.08.2018 executed by the petitioner's mother, Ramadevi Thondaiman, on presentation of the same by the petitioner.

2.The petitioner states that his mother, namely, Ramadevi Thondaiman, had executed a holograph “WILL” on 18.08.2018. In terms of the “WILL”, the petitioner is a beneficiary. The “WILL” had been given, for safe custody, with one Mr.Ibrahim Kalifulla, a Chartered Accountant in Pudukottai. The petitioner's mother passed away on 12.04.2023 at Tiruchirappalli. It was thereafter that the petitioner came to be aware of the “WILL”. The petitioner being a beneficiary, intended to register the “WILL” with the second respondent. He accordingly presented the same.

3.Prior to its presentation, Mr.Ibrahim Kalifulla had made a publication in 'Thina Thanthi Daily' on 13.07.2023 stating that the deceased Ramadevi Thondaiman had executed a “WILL” on 18.08.2018.



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The petitioner presented the document and as no further progress was made at the instance of the second respondent, he withdrew the original for the purpose of safe custody. In order to proceed further with the registration, he has come forward with the present writ petition.

4.I heard Mr.A.Navaneedha Krishnan, learned senior counsel for Mr.P.Thennavan, learned counsel for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents.

5.The Registration Act, 1908 and the Registration Rules enable a Registering Authority to register a “WILL” even after the death of the testator. The manner of such registration is done, in terms of Sections 40 and 41 of the Registration Act, 1908, read with Rule 69 of the Registration Rules.

6.Mr.N.Ramesh Arumugam states that the respondents were about to commence an enquiry in terms of these provisions, when the writ petition came to be filed. He states that the enquiry, as prescribed under Sections 40 and 41 of the Registration Act, 1908 and Rule 69 of the



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Registration Rules, will be completed within a period of eight weeks from today. He states that the petitioner can present the document tomorrow (03.04.2025) and immediately thereafter, the second respondent will initiate necessary action.

7.The statement made by Mr.N.Ramesh Arumugam that the enquiry will be commenced tomorrow (03.04.2025) and will be completed within a period of eight weeks is recorded as an undertaking given to this Court.

8.The respondents shall strictly adhere to the requirements under Sections 40 and 41 of the Registration Act, 1908 read with Rule 69 of the Registration Rules. If after such enquiry, the second respondent finds that the requirements of said Sections as well as Rule have been complied with, he shall register the document. The petitioner and the second respondent shall act on the web copy of this order and they shall not wait for the certified copy in order to proceed further with the enquiry.



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9. With the aforesaid directions, the Writ Petition stands disposed

of. No costs.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

02.04.2025

To

1. The District Registrar,
District Registrar Office,
Pudukottai.
2. The Sub Registrar Joint -I,
Sub Registrar Office,
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V. LAKSHMINARAYANAN, J.

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