



W.P(MD)No.10757 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.10757 of 2023

and

W.M.P(MD)No.11632 of 2023

1.N.Pandiyammal

2.M.Rojamani

... Petitioners

Vs

1.The District Collector,
Dindigul District,
Dindigul-624 004.

2.The District Revenue Officer,
District Collectorate Campus,
Dindigul-624 001,
Dindigul District.

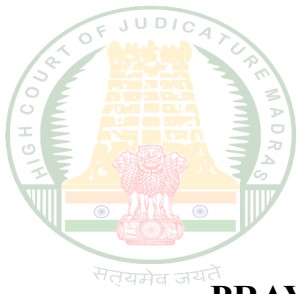
3.The Revenue Divisional Officer,
Dindigul-624 001,
Dindigul District.

4.The Tahsildar,
Taluk Office, Nilakkottai Taluk,
Dindigul District.

5.The District Registrar,
District Registrar Office,
Dindigul, Dindigul District.

6.The Sub-Registrar,
Sub-Registrar Office,
Kanavaipatti Road,
Batlagundu, Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to conduct the enquiry to verify genuinity and legally bonafide status of the will executed in favour of Muthu Muniammal by Lakshmiammal and consequently direct the respondents 5 and 6 not to carry out the registration of documents in connection with dry lands in survey No.11 measuring to an extent of 1 acre 61 cents out of 2 acres 39 cents and S.No.7/4 measuring to an extent of 40 cents out of 2 acres 51 cents situated at Kombaipatty Village, Nilakkottai Taluk of Dindigul District on the basis of the petitioner's representation dated 18.04.2023.

For Petitioner	: Mr.K.Safar Badhusha
For R1 to R4	: Mr.S.Shanmugavel Additional Government Pleader
For R5 & R6	: Mr.M.Sarangan Additional Government Pleader

ORDER

This writ petition has been filed for a direction directing the respondents 1 to 4 to conduct the enquiry to verify genuinity and legally bonafide status of the Will executed in favour of Muthu Muniammal by Lakshmiammal.

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



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3. The petitioner is disputing the Will executed in favour of

one Muthu Muniammal in respect of the property comprised in S.No.11 to an extent of 1 acre 61 cents out of 2 acres 39 cents and the property comprised in S.No.7/4 to an extent of 40 cents out of 2 acres 51 cents owned by the petitioners grandfather one Muniappan Servai. He got married one Muniammal and gave birth to three children. After the demise of his grandmother, his grandfather married one Lakshmiammal and no issues. While being so, his paternal aunt namely Muthu Muniammal claiming the property as if the Will was executed in her favour and got registered before the registering authority. Therefore, the genuinity of the legality of the Will cannot be enquired by the respondents 1 to 4 herein. It has to be decided before the Civil Court. Therefore, a direction sought for by the petitioner cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

21.01.2025

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



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G.K.ILANTHIRAIYAN, J.

am

Order made in
W.P(MD)No.10757 of 2023

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