



W.P(MD)No.13232 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.13232 of 2025

Vallinayagam

... Petitioner

Vs

The Sub Registrar,
Office of the Sub Registrar Office,
Melapalayam,
Tirunelveli District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip in RFL/Melapalayam/37/2024, dated 18.04.2024 issued by the respondent and quash the same and consequently direct the respondent to register the document without insisting for the production of original parent document in Document No.1/1973 on the file of the respondent / Sub Registrar Office and as well as the revenue documents, within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.S.Saji Bino
Special Government Pleader



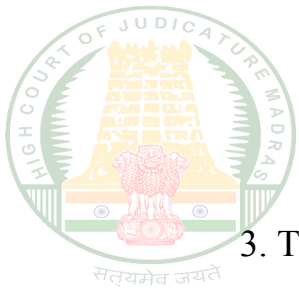
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ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to quash the refusal check slip dated 18.04.2024 and consequently, direct the respondent to register the document without insisting for the production of original parent document in Document No.1/1973 on the file of the respondent and as well as the revenue documents.

2. The petitioner contended the property belongs to petitioner' father which was purchased through sale deed registered as Document No.1/1973. Subsequently, through a registered Will, the said properties were bequeathed to the petitioner and his brother. Now, the petitioner is relying on the said Will and claiming right over the property in Survey No.378/2A1. After the execution of Will, the executor had died on 10.01.1980 and the Will has come into existence. Thereafter, the petitioner and his brother divided the properties as per Will and mutated the revenue records and patta has been issued in favour of the petitioner. Therefore, the petitioner is in absolute ownership of the disputed property. But, the respondent is directing the petitioner to present the original Will along with settlement deed for registration.



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3. The contention of the petitioner is that originally will has been misplaced and he is not aware whether it is in possession of his brother or not. Even though the original Will is unavailable, it is an admitted fact that the Will has been registered as Document No.1/1973. The absence of the original Will cannot be an impediment for registration. Therefore, the petitioner is directed to re-submit the settlement deed along with the certified copy of Document No.1/1973 along with Patta.

4. Accordingly, the impugned order is quashed. The respondent is directed to register the petitioner's document within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above said direction, this Writ Petition is allowed. There shall be no order as to costs.

09.07.2025

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

jbr



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S.SRIMATHY, J.

jbr

To:

The Sub Registrar,
Office of the Sub Registrar Office,
Melapalayam,
Tirunelveli District.

ORDER MADE IN
W.P(MD)No.13232 of 2025

DATED : 09.07.2025