



W.A(MD) No.2210 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.2210 of 2025
and
C.M.P.(MD)No.12680 of 2025**

The Joint Sub Registrar No.2,
Office of the Sub Registrar,
Ramanathapuram District.

... Appellant / Respondent

Vs.

Rajagopal

... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.27905 of 2024, dated 22.11.2024 and allow this writ appeal.

For Appellant : Mr.Veerakathiravan
Additional Advocate General
assisted by
Mr.S.Shaji Bino
Special Government Pleader

For Respondent : Mr.S.Selva Aditya



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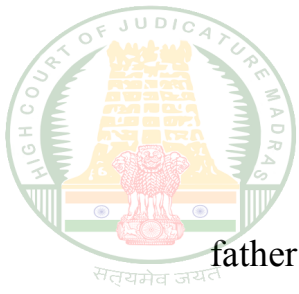
JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned Additional Advocate General appearing for the appellant and the learned counsel for the writ petitioner.

2. The writ petitioner presented the Will dated 07.04.1995 said to have been executed by one Pachayar Nadar for registration. The registering authority declined to register the document and issued refusal check slip on 22.08.2024. Assailing the same, W.P.(MD)No.27905 of 2024 was filed. The learned single Judge rightly noted that even after the demise of the testator, a Will can be presented for registration. In that view of the matter, the refusal check slip was quashed. This appeal has been filed probably because the writ petition has been allowed. The prayer in the writ petition was for receiving and registering the Will dated 07.04.1995.

3. The learned Additional Advocate General points out that the writ petitioner did not produce the copy of the death certificate of his



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father. That apart, in one of the legal heir certificates relied on by the writ petitioner, the parties are said to have lived even upto the age of 125.

It is true that there are quite a few suspicious features. It is also noticed that the Will has been sought to be presented for registration after a gap of 29 years.

4. In this view of the matter, even while setting aside the order of the learned single Judge, we permit the writ petitioner to present the document in question before the appellant. The appellant will conduct enquiry as per the statutory procedure. We make it clear that the merits of the matter have not been gone into. It is for the appellant to exercise statutory function in the manner known to law.

5. The Writ Appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
05.08.2025

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