



W.P(MD)No.21474 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21474 of 2025

V.Krishnan

... Petitioner

Vs

The Sub-Registrar of Registration,
Allanganallur,
Madurai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to register and release the Mortgage Deed dated 30.07.2025 executed by the petitioner and presented on 30.07.2025 Receipt No.TP/228081978/2025 through online portal in respect of the property situated at Keelachinnampatti Village, Vadipatti Taluk, Madurai District, bearing Resurvey No.67/4 in Patta No.291, measuring to an extent of 2 Acres 79 cents, within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Gubanthiran

For Respondent : Mr.G.Suriya Ananth
Additional Government pleader



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondent to register and release the Mortgage Deed dated 30.07.2025 executed by the petitioner and presented on 30.07.2025 Receipt No.TP/228081978/2025 through online portal in respect of the property situated at Keelachinnampatti Village, Vadipatti Taluk, Madurai District, bearing resurvey No.67/4 in Patta No.291, measuring to an extent of 2 Acres 79 cents.

2. The learned Counsel appearing for the petitioner submitted that when the mortgage deed was presented for registration, the respondent refused to register the document stating there is an unregistered Will. Further, the patta is transferred in the name of the petitioner's brother's wife. He further submitted that the disputed property belongs to the petitioner's brother which is a self-acquired property and therefore, the petitioner's brother has every right to deal with the property during his lifetime. The brother has executed a Will in the name of the petitioner. Therefore, the petitioner's brother's wife will not have any right over the property and she cannot claim title. Hence, the objection raised by the respondent is irrelevant.

3. This Court is of the considered opinion that when there is a rival claim, it



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is always better to conduct an enquiry after issuing notice to the rival claimants.

Therefore, the respondent is directed to issue notice to the petitioner as well as the rival claimants, conduct an enquiry and thereafter, pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. In case, the respondent comes to the conclusion that the petitioner is entitled to registration, the same shall be carried out.

4. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

06.08.2025

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

To:

The Sub-Registrar of Registration,
Allanganallur,
Madurai District.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
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DATED : 06.08.2025