



W.P.(MD) No.8773 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.8773 of 2026

S.Muthupandi

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District,
Madurai - 625 020.

2.The District Registrar,
Office of the District Registrar,
Madurai District,
Madurai - 625 020.

3.The Sub-Registrar,
South Joint IV Sub-Registrar Office,
Madurai South,
Madurai - 625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the second and third respondents to conduct enquiry under Section 83 of the Registration Act, 1908 based on the petitioner's representation dated 08.03.2026.

For Petitioner : Mr.S.Vishnu Kanth



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For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

This Writ Petition is filed for a mandamus directing the second and third respondents to conduct an inquiry under Section 83 of the Registration Act, 1908, based on the representation of the petitioner dated 08.03.2026.

2. Upon hearing the learned counsel for the petitioner, it is seen that the petitioner claims ownership of the property by virtue of a Will dated 29.06.2022. The petitioner has already filed a Probate Original Petition in O.P.No.2048 of 2025, which was subsequently renumbered as O.P.No.11 of 2026 and is pending on the file of the IV Additional District Court, Madurai. Pending the same, third parties, claiming rights over the property, have already presented a document which has been registered and further alienation is also being attempted. Therefore, the petitioner has made the present representation and has approached this Court.

3. It is seen that the question raised in the representation pertains to title. Under such circumstances, the same would not fall within the scope



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of Section 83 of the Registration Act. If probate proceedings are initiated, which are proceedings in rem and the Will is duly probated, any alienation made by third parties would not bind the rights conferred under the Will upon the petitioner.

4. If the petitioner does not want any further document to be registered, an appropriate interim interlocutory application should be moved before the same Court in which the said O.P. is pending if the persons are parties and unless an order of interim injunction is granted, the Sub-Registrar cannot refuse registration of the document.

5. Therefore, with the above observations and leaving the liberty open to the petitioner, this Writ Petition stands disposed of.

01.04.2026

JEN

Neutral Citation : No

To

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Madurai - 625 020.



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D.BHARATHA CHAKRAVARTHY, J.

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