



WEB COPY

WP No. 29499 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 29499 of 2026

Madeshwari
W/o. Late Balakrishnan,
Door No.3/460,
Kottapuliyanur Village,
Gurubarahalli Post,
Pappireddipatti Taluka,
Dharmapuri District.

..Petitioner(s)

Vs

1. The District Registrar
Office of the District Registrar,
Dharmapuri District.
2. The Sub Registrar,
Office of the Sub Registrar,
Taluk Office compound,
Harur Post,
Dharmapuri District.

..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India seeking the issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd Respondent through his proceedings in the Refusal Number RFL/Harur/41/2026 dated 13.02.2026 and quash the same as illegal and consequently directing the 2nd



Respondent to register the gift deed submitted by the petitioner in pursuant to the unregistered will executed by petitioners father with in a stipulated time as fixed by this Court.

For Petitioner(s): Mr. Krishnasamy Chinnasamy

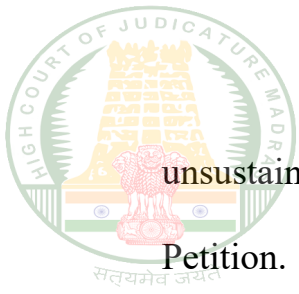
For Respondent(s): Mr. M. Roshan Atiq

Government's Counsel

ORDER

The present Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the 2nd respondent in Refusal No. RFL/Harur/41/2026, dated 13.02.2026, quash the same as illegal, and consequently direct the 2nd respondent to register the Gift Deed presented by the petitioner pursuant to the Will executed by her father, within the time stipulated by this Court.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the daughter of the Testator. The 2nd respondent refused registration of the Gift Deed dated 13.02.2026 on the ground that the Will was unregistered and that a Protest Petition had been submitted by one Ramalingam, the grandson of the Testator, raising objections to the registration. It is contended that the refusal of registration solely on the said grounds is arbitrary and



unsustainable in law. Hence, the petitioner is constrained to file the present Writ Petition.

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3. The learned Government Counsel also pointed out that the Testator died on 06.05.2024 and that the Will had been executed on 04.05.2024, i.e., two days prior to his death, which, according to the objector, gives rise to suspicious circumstances. It was further submitted that insofar as the Protest Petition is concerned, appropriate orders would be passed after conducting a detailed enquiry.

4. This Court, in a catena of decisions, has held that a Will is not a compulsorily registrable document. Under the Registration Act, 1908, the registration of a Will is purely optional and, therefore, the refusal of registration on that ground cannot be sustained. However, insofar as the Protest Petition is concerned, the respondents are required to consider the objections by conducting an enquiry after issuing notice to the objector.

5. Accordingly, the impugned order passed by the 2nd respondent dated 13.02.2026 is set aside. The petitioner is directed to re-present the Gift Deed for registration. Upon such re-presentation, the official respondents shall consider



the document and pass appropriate orders on merits and in accordance with law,
after issuing notice to the objector, namely Ramalingam, the grandson of the
Testator, and affording him an opportunity of hearing.

6. With the above directions, this Writ Petition stands disposed of. There
shall be no order as to costs.

28-07-2026

Asi

To

1. The District Registrar
Office of the District Registrar,
Dharmapuri District.
2. The Sub Registrar,
Office of the Sub Registrar,
Taluk Office compound,
Harur Post, Dharmapuri District.



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KRISHNAN RAMASAMY, J.

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