



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 25152 of 2026

M.Pachamuthu
S/o. Marimuthu,
door No. 37 A.Kattur,
Aalachampalayam, Edappadi Taluk,
Salem district 637 101

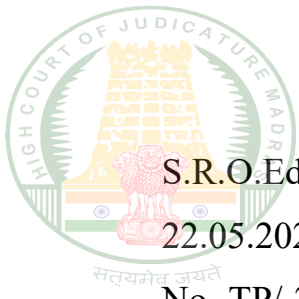
..Petitioner(s)

Vs

1. The District Registrar
(Salem West),
No. 313, 3rd Floor,
District Registration office campus,
Salem Collectorate Building,
Kottai Main Road, Salem 636001
2. The Sub Registrar
Edappadi Sub Registrar office,
Edappadi Post and Taluk,
Salem 637 101

..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 records relating to the Impugned Refusal Check Slip of the 2nd respondent in Refusal Check Slip No. RFL/ Edappadi/ 47/ 2026 dated 1.06.2026 and quash the same as illegal and arbitrary and consequently direct the 2nd respondent



S.R.O.Edappadi, Salem District to Register Gift Settlement Deed dated 22.05.2026 presented for registration in Pre-Registration Token Receipt No. No .TP/ 277675839/ 2026 dated 1.06.2026 within a stipulated time as fixed by this Court.

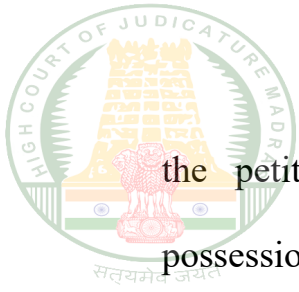
For Petitioner(s): Mr.B.Keerthivasan and Mr.D.Balaji
for M/s.Law Vision

For Respondent(s): Mr.Dominic S.David
Government Counsel

ORDER

This Writ Petition has been filed challenging the impugned Refusal Check Slip issued by the 2nd respondent dated 01.06.2026.

2. The learned counsel for the petitioner states that his father, Marimuthu, had purchased lands measuring 56 cents in Survey No. 762/7 and 28 cents in Survey No.760/13 through registered sale deeds, besides owning a share in ancestral properties measuring 1.27 acres, aggregating to 2.11 acres, situated in Vellrivelli and Melmugam Villages, Edappadi Taluk, Salem District. During his lifetime, Marimuthu executed a registered Will dated 13.08.2013 bequeathing the properties among his wife, elder son, and the petitioner. After his demise on 20.06.2014, the legal heirs orally partitioned the properties in terms of the Will, pursuant to which the petitioner's mother was allotted Schedule-A property and



the petitioner Schedule-C property, and both have been in continuous possession and enjoyment thereof. Subsequently, on 22.05.2026, the petitioner and his mother jointly executed a Gift Settlement Deed in favour of the petitioner's daughters, Tamaraiselvi and Sowmiya, in respect of the properties allotted to them under the Will and presented the document before the Sub-Registrar, Edappadi, for registration on 01.06.2026.

3. The learned counsel for the petitioner further submitted that the second respondent refused to receive and register the Gift Settlement Deed and returned the document on the ground that the Will dated 13.08.2013 was unregistered and that probate had not been obtained from the competent Civil Court. According to the petitioner, such refusal is arbitrary, contrary to the provisions of the Registration Act, 1908, and therefore unsustainable in law.

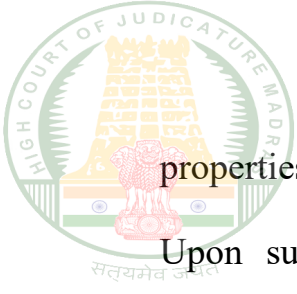
4. He further submitted that as per Section 18 of the Registration Act, 1908, the documents which are all optional for registration includes the Will document and it is not mandatory for registration.



5. Per contra, the learned Government Counsel appearing for the respondents submitted that the proposed Gift Settlement Deed is founded partly upon properties acquired under registered Sale Deeds and partly upon ancestral properties devolving under the Will. It was submitted that if the petitioner produces all relevant title deeds and supporting records establishing his lawful entitlement and possession over the ancestral properties, the registering authority shall consider and register the Gift Settlement Deed strictly in accordance with law.

6. In reply, the learned counsel for the petitioner submitted that all such requisite documents are available with the petitioner and would be produced before the registering authority.

7. Having regard to the facts and circumstances of the case, this Court is of the considered view that the mere fact that the Will is unregistered cannot, by itself, constitute a legal impediment to the registration of the Gift Settlement Deed, particularly when registration of a Will is optional under Section 18 of the Registration Act, 1908. However, insofar as the properties claimed through the Will include ancestral properties, the petitioner shall produce all relevant title documents and records evidencing possession and enjoyment of such



properties, along with the unregistered Will, before the registering authority.

Upon such production, the respondents shall entertain the document and complete the process of registration, if it is otherwise in order and satisfies the statutory requirements, within a period of one (1) week from the date of receipt of a copy of this order.

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

02-07-2026

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To

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KRISHNAN RAMASAMY, J.

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