



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

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CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 29410 of 2026

Kaliappan
S/o late Ayyamperumal,
1-381 Ayyamperumal,
1-381 Kalivattam,
Thesavailakku North Village,
Omalur Taluk, Salem District

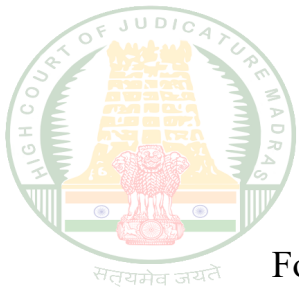
..Petitioner(s)

Vs

The Sub Registrar
Tharamangalam SRO,
Salem 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 records relating to the impugned order 03.07.2026 made in RFL / Tharamangalam / 15/ 2026 passed by the respondent, quash the same and consequently to direct the respondent to register the Settlement Deed dated 01.07.2026 executed by petitioner in favour of the petitioner wife Shanthi in respect of 8 1/2 cents comprised in SF No 189/15, Thesavilakku North Village, Omalur Taluk, Salem District.



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For Petitioner(s): Mr.M.Ganesh
for Mr. N.Manoharan
For Respondent(s): Mr.M.Roshan Atiq
Government Counsel

ORDER

The present Writ Petition has been filed challenging the Refusal Check Slip dated 03.07.2026 issued by the respondent refusing to register the Settlement Deed dated 01.07.2026 presented by the petitioner.

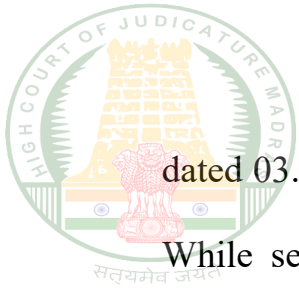
2. The case of the petitioner is that the subject property originally belonged to his father, late Ayyaperumal, who executed a Will dated 24.01.2013 bequeathing the property absolutely in favour of the petitioner. The testator died on 27.10.2014. According to the petitioner, ever since the demise of his father, he has been in peaceful possession and enjoyment of the property. Thereafter, the petitioner executed a Settlement Deed dated 01.07.2026 in favour of his wife and presented the same before the respondent for registration. The respondent, however, refused registration by issuing the impugned Refusal Check Slip dated 03.07.2026 on the grounds that the Will relied upon by the petitioner is an unregistered Will. Challenging the same, the petitioner is constrained to file the present Writ Petition.



3. Per contra, the learned Government Counsel appearing for the respondents submitted that the respondents refused to register the document on the grounds that: (i) the Will is unregistered; and (ii) the Patta still stands in the name of the Testator.

4. This Court has carefully considered the rival submissions and perused the materials placed on record.

5. In the present case, the Will remains unregistered, based upon which the petitioner intended to settle the subject property in favour of his wife vide a Settlement Deed dated 01.07.2026. 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 unless there are valid objections raised by third parties or other legal heirs. Hence, the refusal of registration on the said ground is legally unsustainable. So far as the Patta standing in the name of the Testator is concerned, the Testator is none other than the father of the petitioner, and the petitioner has been in continuous possession of the property since the execution of the Will on 24.01.2013. The Sub-Registrar has refused to register the document on flimsy grounds, which cannot be sustained under law. Consequently, the impugned Refusal Check Slip



dated 03.07.2026 is liable to be set aside, and the same is accordingly set aside.

While setting aside the impugned order, this Court directs the petitioner to re-present the Settlement Deed dated 01.07.2026. Upon such re-presentation, the Sub-Registrar is directed to register the same forthwith, if it is otherwise in order.

6. With the above observations and directions, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition, if any, is closed.

7. Post this matter *on 13.08.2026 “for reporting compliance”*.

30-07-2026

Asi

To

The Sub Registrar
Tharamangalam SRO,
Salem District.



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KRISHNAN RAMASAMY, J.

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