



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.13888 of 2021

and

W.M.P (MD) No.10849 of 2021

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A.Mohamed Bilal

... Petitioner

Vs.

The Sub Registrar,
Rajasingamangalam Sub Registration Office,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in RFL/Rajasingamangalam/5/2021 dated 23/02/2021 on the file of the respondent and quash the same and further directing the respondent to register the Settlement Deed executed by the petitioner.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.R.Baskaran

Counsel for State

ORDER

The petitioner challenges the Refusal Check Slip dated 23.02.2021, by which the respondent refused to register the Settlement Deed submitted by the petitioner for registration.

2.The petitioner states that his father owned several properties. He executed a Will on 22.12.1997 bequeathing his properties at S.No.141/2, Sambai Village, Vennathoor Group, Rajasingamangalam, Ramanathapuram District to the petitioner. Consequently, upon his death, the petitioner became the absolute owner of the said property. It is stated that the said property was sub-divided into S.No.141/2B2, S.No.141/2B1 and S.No.141/2A. The petitioner executed a Gift Deed in respect of the above properties in favour of his wife on 23.02.2021. Upon submission of such Gift Deed for registration, the respondent refused to register the same. The present Writ Petition is filed to challenge the said order of refusal.



3.Mr.R.Baskaran, learned Counsel for the State, appears on behalf of the respondent. He submits that the respondent may be directed to re-examine the petitioner's request for registration and pass orders after considering all the documents submitted in such regard by the petitioner.

4.Upon perusal of the impugned order, it is evident that the principal ground of refusal is that the Will executed in 1997 is an unregistered Will. Under the Registration Act, 1908, a Will is not a document requiring compulsory registration. Therefore, the reason cited for refusing to register the document is not justified. The Refusal Check Slip also mentions that there is no scope under the Registration Office Act. It is unclear as to whether such statement refers to the Registration Act, 1908. In any event, as stated above, it is not compulsory to register a Will under the Registration Act.

5.For all these reasons, the impugned order is not sustainable. Consequently, the said order is quashed. As a corollary, the petitioner is permitted to re-submit the Gift Deed for registration along with all supporting documents and any explanation that the petitioner intends to provide. Upon receipt thereof, the respondent is directed to consider the matter afresh by taking into account the observations in this order and pass a reasoned order within a period of thirty days from the date of receipt of a copy of this order.

6.W.P.(MD).No.13888 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.10849 of 2021 is closed.

Sd/-

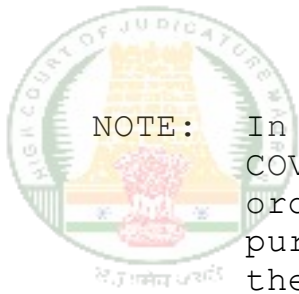
Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub Registrar,
Rajasingamangalam Sub Registration Office,
Thiruvadanai Taluk,
Ramanathapuram District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-27563[F] dated 27/08/2021)

+1 CC to M/s.SPL GP (SR-27534[F] dated 27/08/2021)

W.P (MD) No.13888 of 2021
26.08.2021

DJ(CO)
SB(03.09.2021) 3P 4C