



W.P(MD)No.5607 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5607 of 2023

Dr.M.Sivanesan

... Petitioner

Vs.

1.The District Registrar
Pudukkottai,
Pudukkottai District.

2.The Sub-Registrar
Meemisal Sub-Registrar Office,
Aranthangi Taluk,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the refusal check slip No.RFL/Meemisal/2/2023, dated 03.03.2023 on the



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file of the second respondent and quash the same and consequently direct the second respondent to register the sale deed, dated 03.03.2023 presented by the petitioner along with the necessary non-judicial stamp papers which is valid for 120 days and therefore, fix a time frame by this Court to register the documents.

For Petitioner : Mr.M.S.Sureshkumar

For Respondents : Mr.C.Satheesh,
Government Advocate

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking interference with refusal check slip No.RFL/Meemisal/2/2023, dated 03.03.2023 issued by the second respondent, Sub Registrar, Meemisal Sub Registrar Office, Aranthangi Taluk, Pudukkottai District.

2. The petitioner, had presented a sale deed for registration before the second respondent. The property had devolved into the



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petitioner by way of a Settlement Deed, executed by his mother. The mother got the property by way of a 'Will' executed by one Ganesan Chettiyar, dated 25.05.2004.

3. It is stated that the Sub Registrar had returned the document refusing to register the same, only on the ground that the 'Will' was not registered and that it had not been probated before the Court of law. That issue has to be interfered with by this Court, since a 'Will' need not be registered. Section 57 of the Indian Succession Act, 1925, also gives exceptions for grant of probate of a 'Will' for properties which are situated outside the city limits of Chennai.

4. In view of these reasons, the impugned order is set aside. But, however, the second respondent is directed to re-examine the entire flow of title and if the document is otherwise in order, proceed to register it, but if he finds, there are any other reasons, they may again be stated. The only reason of non registration of the 'Will' cannot be put against the petitioner herein.



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5. With that observations, the writ petition stands disposed

of. No costs.

15.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
RM

To

1.The District Registrar

Pudukkottai,
Pudukkottai District.

2.The Sub-Registrar

Meemisal Sub-Registrar Office,
Aranthangi Taluk,
Pudukkottai District.



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C.V.KARTHIKEYAN, J.

RM

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