



W.P(MD)No.27706 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27706 of 2023

and

W.M.P.(MD)No.23828 of 2023

S.Anto

... Petitioner

Vs.

The Sub-Registrar,
Kalaiyarkovil,
Sivagangai 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 Refusal Check Slip dated 29.09.2023 bearing Refusal No.RFL/Kalaiyarkovil/79/2023 on the file of the respondent pertaining to rejection of registration of the settlement deed and to quash the proceeding as illegal and further direct the respondent to register the settlement deed, dated 29.09.2023 executed in favour of the petitioner.

For Petitioner : Mr.R.Satheeshwaran

For Respondent : Mr.M.Sidharthan,
Addl. Government Pleader.



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ORDER

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Heard both sides.

2.The petitioner's father / Soosairaj executed the settlement deed dated 29.09.2023 settling the petition mentioned property in favour of the petitioner. It was presented for registration. The respondent declined to register the document and issued the impugned refusal check slip on the ground that the Will dated 25.03.2022 executed in favour of the petitioner's father was not registered. Challenging the same. The present writ petition came to be filed.

3.When the executant of a deed of conveyance is relying on a Will, notice will have to be necessarily issued to all the legal heirs of the deceased testator. If the other legal heirs endorse the genuineness of the Will, the deed of conveyance can be registered. If the legal heirs contest the validity of the Will, the executant of the document will have to go before the jurisdictional Civil Court and re-present the document only after duly proving the Will. In the case on hand, the reason set out in the impugned refusal check slip is that the Will has not been registered. It is



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well settled that a Will does not require registration. Even though the parties are Christians, on account of the statutory amendment probating is also not required.

4.In this view of the matter, the petitioner is permitted to re-present the document along with his father. The respondent will conduct enquiry as mentioned above. The impugned order will abide by the outcome of the enquiry.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

24.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Sub-Registrar,
Kalaiyarkovil,
Sivagangai District.

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G.R.SWAMINATHAN, J.

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