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W.P.No.27027 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

W.P.No.27027 of 2022

N.Prema

.. Petitioner

Versus

1.The Inspector General of Registration,  
100 Santhome High Road,  
Chennai 600028.

2.The District Registrar (Admin),  
Integrated Complex,  
Veppamara Street,  
Velapadi, Vellore – 632 001.

3.The Sub Registrar,  
Jolarpettai,  
Tirupattur - 635 851.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings (Refusal Check Slip) Refusal Number: RFL/ Jollarpettai/ 26/2022 dated 18.03.2022 quash the same and to direct the 3rd respondent to receive and register the partition deed dated 18.03.2022.



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W.P.No.27027 of 2022

For Respondents : for Mr.V.Raghupathi  
Mr.L.S.M.Hasan Fizal  
Additional Government Pleader

**ORDER**

Challenge has been made to the refusal check-slip issued by the third respondent in registering the partition deed dated 18.03.2022.

2. It is the case of the petitioner that the partition deed dated 18.03.2022, presented by the petitioner was refused to be registered on the ground that the earlier document/Will is an unregistered document.

3. Heard both sides and perused the materials placed on record.

4. Since the very order of the respondent is without application of mind, no counter is required. Order was to the effect that unless the Will is established in a Court of law, they cannot register the document. When the parties partitioned the property on the basis of a Will, it is not the business of the Sub Registrar to go into the aspect of Will. The fundamentals with regard to bequeathing of a property by way of a Will is not understood by the concerned Sub Registrar. Registration of Will is not mandatory, it is only optional. Therefore, the rights of the parties cannot be deprived. Without understanding the value of the document, the order passed by the third



W.P.No.27027 of 2022

respondent refusing to register the document cannot be sustained in the eye of law.

5. Accordingly, the impugned Refusal Check Slip RFL/ Jollarpettai/ 26/2022, dated 18.03.2022, passed by the third respondent, is set aside and the third respondent is directed to register the document within a period of one week from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is allowed. No costs.

sli

**05.06.2024**

Index : Yes/No  
Internet : Yes/No  
Neutral Citation : Yes/No

To,

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