



W.P.No.11961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11961 of 2023 and
W.M.P.No.11829 of 2023

1.K.S.Sekar
2.Palaniammal

... Petitioners

Vs.

The Sub Registrar,
Moolanur,
Dharapuram Taluk,
Tiruppur District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the respondent's impugned check slip refusal number : RFL/Moolanur/4/2023 dated 22.02.2023 and quash the same and consequently direct the respondent to register the petitioner's sale deed dated 09.02.2023 vide respondent temporary No.TP/143094501/2023.

For Petitioners : Mr.R.Devaraj

For Respondent : Mr.B.Vijay, AGP

ORDER



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This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the respondent's impugned check slip refusal number : RFL/Moolanur/4/2023 dated 22.02.2023 and quash the same and consequently direct the respondent to register the petitioner's sale deed dated 09.02.2023 vide respondent temporary No.TP/143094501/2023.

2. Heard Mr.R.Devaraj, learned counsel for the petitioners and Mr.B.Vijay, learned Additional Government Pleader for the respondent.

3. Challenge has been made in view of the refusal to register the document by the respondent when the document was presented by the petitioners. It is the case of the petitioners that when presented the sale deed based on the Will executed by their sister, the document was refused to be registered merely on the ground that the probate is not obtained and no other documents have been filed.

4. At the outset, this Court is of the view that when the document is presented for registration based on the earlier title deed which has already



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been registered, insisting any other document, particularly, probate of the unregistered Will in the mofussil area does not arise at all. The probate is not required for the Will executed outside the metropolitan area. In such view of the matter, the order directing the petitioners to obtain probate cannot be sustained and it has to be quashed.

5. With the above observations, this Writ Petition is disposed and the respondent is directed to register the document within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

23.04.2024



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N.SATHISH KUMAR, J.

gsk

To

The Sub Registrar,
Moolanur,
Dharapuram Taluk,
Tiruppur District.

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