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W.P. No.11304 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11304 of 2024

Adharsh Kiran

... Petitioner

Vs

The Sub Registrar
O/o.Sub Registrar
Thondamuthur
Coimbatore

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order No.Refusal Number:RFL/தொண்டாமுத்தூர்/27/2024 dated 04.04.2024 passed by the respondent and to quash the same and consequently direct the respondent to admit and register the settlement deed submitted by the petitioner on 04.04.2024 before the respondent.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.B.Vijay
Addl. Govt. Pleader



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ORDER

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Challenge has been made to the refusal slip issued by the respondent on 04.04.2024 refusing to register the settlement deed presented by the petitioner on the same day.

2. The petitioner had claimed title on the basis of the Will left by his grandfather. When the document was presented, the Sub Registrar has refused to register the document mainly on the ground that the Will has granted only life interest. Challenging the same, this writ petition has been filed.

3. Heard the learned counsel for the petitioner and perused the Will.

4. The subject matter of the property is clearly spelt out in paragraph 10 of the Will and the property has been absolutely bequeathed particularly when the executant become 25 years. Therefore it is not for the Sub Registrar to interpret the document merely on the ground that some life interest is reserved in respect of other properties. The subject property is only the third item shown



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in the Will. In such view of the matter, the impugned order is liable to be set aside.

5. Accordingly, the writ petition is allowed. The impugned order passed by the respondent in RFL/தொண்டாமுத்தூர்/27/2024 dated 04.04.2024 is set aside. The respondent is directed to register the document, within a period of one week from the date of receipt of a copy of this order. No costs.

27.06.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

1.The Sub Registrar
O/o.Sub Registrar
Thondamuthur
Coimbatore

2.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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