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W.P. No. 27843 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.27843 of 2024

Venkatesan

..Petitioner

Vs.

1. The District Registrar
Dharmapuri District.

2. The Sub-Registrar
Palacode Taluk,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passe by the 2nd respondent through his proceedings in the Refusal Check Slip No.RFL / Palacode / 215/ 2023 dated 12.12.2023 and quash the same as illegal and consequently directing the 2nd respondent to register the settlement deed submitted by the petitioner in pursuant to the unregistered will executed by the petitioner father.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents 1 & 2 : Mrr.M.Shahjahan
Special Government Pleader



ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the impugned refusal check slip issued by the 2nd respondent, the petitioner has come before this Court by way of this writ petition.

3. It is the case of the petitioner that the properties situated in Survey Nos.50/2B1, 378/1B, 376, 377/1, 378/2 and 378/3 at Palacode Taluk, Dharmapuri District originally belonged to petitioner's father Kaveri under registered sale deed dated 28.02.2003. The petitioner's father executed unregistered Will on 12.07.2018 bequeathing the said property in favour of petitioner. The petitioner's father died on 01.07.2021 and thereafter, the Will came into force. Thus, the petitioner claims right over the property. Now, he executed a settlement deed in favour of his son on 01.12.2023 and presented the same before the 2nd respondent for registration. The 2nd respondent refused to register the same on the ground that the petitioner failed to produce any



registered title documents in his favour. Aggrieved by the same, the petitioner is before this Court.

4. The petitioner's father acquired the property under registered sale deed dated 28.02.2003 and thereafter, he executed an un-registered Will on 12.07.2018 in favour of petitioner. The learned counsel for the petitioner submits that he is willing to produce the original un-registered Will dated 12.07.2018 and registered sale deed in favour of his father dated 28.02.2003 before the 2nd respondent. The said statement is recorded.

5. In view of the same, the petitioner is directed to represent the documents along with original sale deed dated 28.02.2003 in favour of his father Kaveri and the original un-registered Will dated 12.07.2018 executed by petitioner's father in favour of petitioner before the 2nd respondent within a period of two weeks from the date of receipt of copy of this order. The registration of the Will is an optional one. Therefore, the 2nd respondent cannot refuse registration on the ground that Will in favour of petitioner was un-registered one in the absence of any challenge to the Will by the other heirs of



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said Kaveri. If the document is represented along with original sale deed and

Will as indicated above, the 2nd respondent shall register the same if it is otherwise in order.

6. With the above observations, this writ petition stands disposed of. No costs.

25.09.2024

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Index : Yes/No
Neutral Citation : Yes/No
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To

1. The District Registrar
Dharmapuri District.
2. The Sub-Registrar
Palacode Taluk,
Dharmapuri District.

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S.SOUNTHAR, J.

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