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W.P.No.31972 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 31972 of 2024

K.Saravanan

...Petitioner

Vs.

The Joint – I Sub-Registrar,
Ariyalur, Ariyalur District – 621 704.

...Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records in respect of the impugned check slip in refusal No.RFL/Joint-1 Sub-Registrar Ariyalur/90/2024 dated 01.10.2024 issued by the respondent herein, set aside the same, directing the respondent to register the Gift Settlement Deed dated 01.10.2024 presented by the petitioner herein in favour of his wife.

For Petitioner : Mr. A.Balaji

For Respondent : Mr. M.Shahjahan



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Special Government Pleader.

ORDER

This is yet another case where the respondent had refused to register the Gift Settlement Deed executed by the petitioner in favour of his wife on 01.10.2024. The respondent has issued the impugned check slip refusing to register the same on the ground that the "Will" under which the petitioner would claim a right to the property had not been probated. Aggrieved by the same, the petitioner is before this Court.

2. A perusal of the records would show that the petitioner's father who owned an extent of 53 cents in Ennaikara Theru, Ariyalur, had executed a "Will" dated 11.12.2002, bequeathing the property to the petitioner and the petitioner's sister. The petitioner's father expired on 12.01.2023 and thereafter his mother, kaliasammal, sisters, Senthamilselvi and Sumathi, his grand father Mottiyar and grand



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mother, Thayammal, were the surviving legal representatives of the petitioner's deceased father.

3. On the demise of the petitioner's father, the "Will" dated 11.12.2002 came into effect. The petitioner had thereafter executed a Gift Settlement Deed in favour of his wife on 01.10.2024 and presented it for registration. The Gift Settlement Deed provide the details about the "Will" dated 11.12.2002 executed by the petitioner's father as also the demise of his father. The said request is now been rejected on the ground that the "Will" has not been probated. Therefore, the Writ Petition.

4. Heard the learned counsels on the either side and perused the records.

5. It is not within the realm of the respondent to investigate the title and it would suffice that the person presenting the document has



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traced his title to the property thereby giving him the right to execute the document which has been presented for registration. This Court time and again held that there is no provision under which the registering authorities can demand production of documents or seek authentication of the documents. The scope of enquiry is restricted to verifying the identity of the person and the execution of the document. Except Section 22 – A of the Registration Act no other provision is available to the Registrar to refuse registration.

6. In the above circumstances, the Writ Petition is allowed. The check slip in refusal No.RFL/Joint-1 Sub-Registrar Ariyalur/90/2024 dated 01.10.2024 issued by the respondent is set aside and the respondent is directed to complete the registration of the Gift Settlement Deed dated 01.10.2024, within a period of 3 weeks from the date of its representation by the petitioner. No costs.

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Index : Yes/No
Internet : Yes/No
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To

The Joint – I Sub-Registrar,
Ariyalur, Ariyalur District – 621 704.



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P.T. ASHA, J,

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