



WEB COPY



W.P.No.37184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 37184 of 2024

M.Venkatachalam

...Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Rd, Raja Annamalai Puram,
Chennai,
Tamil Nadu 600028.

2.The Sub Registrar,
7/86, Kasukkaranpalayam,
Perundurai Main Road, Thingalur,
Erode,
Tamil Nadu – 638 055.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Refusal Check Slip bearing No.RFL/Thingalur/73/2024 dated 06.11.2024 issued by the 2nd respondent, and to quash the same as illegal and to consequently direct the 2nd respondent to register the settlement deed dated 06.11.2024.



WEB COPY



W.P.No.37184 of 2024

For Petitioner : Mr. Sharath Chandran.
For Respondents : Mr. M.Shahjahan
Special Government Pleader.

ORDER

The Writ Petition is filed to call for the records pertaining to the Refusal Check Slip bearing No.RFL/Thingalur/73/2024 dated 06.11.2024 issued by the 2nd respondent, and to quash the same as illegal and to consequently direct the 2nd respondent to register the settlement deed dated 06.11.2024.

2. The petitioner's case is that he has executed a settlement deed in favour of his son, both self acquired and acquired by the petitioner by way of an un-registered “Will” dated 25.06.1975, executed by the petitioner's grandfather. As per the said “Will”, the petitioner's father enjoyed the property till his death, as he had a life estate and on his death, the petitioner succeeded to the said property. Since then the petitioner has been in possession and enjoyment of the property.

3. On 06.11.2024, the petitioner presented the settlement deed for



W.P.No.37184 of 2024

registration. However, the 2nd respondent refused to register the same stating that the “*Will*” dated 25.06.1975 was unregistered one. Aggrieved thus, the petitioner is before this Court.

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

5. The 2nd respondent is absolutely clueless about the fact that the “*Will*” does not require registration and that the unregistered “*Will*” has the same force as that of the registered one.

6. Therefore, the Writ Petition is allowed. The impugned refusal check slip is quashed. The 2nd respondent is directed to register the document, within a period of 2 weeks from the date of its re-presentation. No costs.

09.12.2024

Index : Yes/No
Internet : Yes/No
kan



W.P.No.37184 of 2024

To

WEB COPY

1.The Inspector General of Registration,
100, Santhome High Rd, Raja Annamalai Puram,
Chennai,
Tamil Nadu 600028.

2.The Sub Registrar,
7/86, Kasukkaranpalayam,
Perundurai Main Road, Thingalur,
Erode,
Tamil Nadu – 638 055.

P.T. ASHA. J,



WEB COPY



W.P.No.37184 of 2024

kan

W.P.No. 37184 of 2024

09.12.2024