



W.P.(MD)No.24432 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24432 of 2024

D.Dhanalakshmi

... Petitioner

Vs.

The Sub Registrar,
Sub Registration Office,
Sivakasi, Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip of the respondent in refusal number: RFL/Sivakasi/20/2024 dated 03.09.2024 and quash the same and consequently direct the respondent to register the settlement deed dated 03.09.2024 of the petitioner.

For Petitioners : Mr.J.Anandkumar

For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent refusing to register the settlement deed presented by the petitioner.



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2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that she derived the property in Survey Nos.73/1, 73/2, 74/1, 74/2, 74/3A and 74/3B2 by way of Will executed by her father during his life time. After his demise, the petitioner became the owner of the said property. Due to her old age, she intended to execute the settlement deed in favour of her daughter, who is taking care of her, in respect of the said property. In this regard, when the document was presented for registration, the same was refused by the respondent stating that the original Will has not been registered. Aggrieved over the same, the petitioner is before this Court.

4. At the outset, the impugned refusal order passed by the respondent cannot be sustained in the eye of law. The Sub Registrar has not even understood the validity of the Will. The Registration of the Will is only optional. The property can be bequeathed by way of Will, either it can be registered or unregistered. The Will takes effect only after the death of the testator. Such being the position, merely on the ground of



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original Will has not been registered, the registration of the document cannot be refused.

5. Accordingly, the impugned refusal check slip issued by the respondent/Sub Registrar in RFL/Sivakasi/20/2024, dated 30.09.2024, is hereby quashed and this Writ Petition is **allowed**. The respondent is directed to register the document presented by the petition within a week from the date of receipt of a copy of this order. No costs.

18.10.2024

Index : Yes / No
NCC : Yes / No
Rmk

To

The Sub Registrar,
Sub Registration Office,
Sivakasi, Virudhunagar District.



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N.SATHISH KUMAR, J.

Rmk

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