



W.P (MD).No.30803 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.30803 of 2024

and

W.M.P(MD)No.25885 of 2024

J.R.Jasper

...Petitioner

Vs.

1.The Sub-Registrar,
Office of the Sub-Registrar,
Thirupparankundram,
Madurai District.

2.S.Devabalan

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Refusal Check Slip issued by the first respondent vide RFL/Thirupparankundram/13/2024 dated 10.12.2024 and quash the same and consequently direct the first respondent to register the sale deed dated 10.12.2024 presented by the petitioner in respect of the property in Re-Survey No.31/11, Plot No.7A, admeasuring 5 cents of land situated Ayan Thoppur Village, Thirupparankundram Taluk, Madurai District.

For Petitioner	: Mr.R.Ponkarthikeyan
For R1	: Mr.S.P.Maharajan
	Special Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the first respondent, dated 10.12.2024 thereby, refused to register the sale deed, which was presented for registration in respect of the property comprised in Re-survey No.31/11, Plot No.7A, admeasuring 5 cents situated at Thoppur Village, Thirupparankundram Taluk, Madurai District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The petitioner had purchased the property comprised in Re-survey No.31/11, Plot No.7A, admeasuring 5 cents situated at Thoppur Village, Thirupparankundram Taluk, Madurai District from the second respondent by the sale deed, dated 10.12.2024. The second respondent derive title over the property by way of Will dated 04.04.2014 executed by his father. After execution of the Will, his father died on 25.11.2014, thereafter, the second



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respondent did not take any steps to mutate the revenue records on the basis of the Will, dated 04.04.2014. Though the Will does not require for registration, it has to be acted upon after the Will come into force. Further, though the Will does not require any probate when it pertaining to the property situated outside territories of Bengal, Madras and Bombay within the jurisdiction of respective High Court, the Will has to be acted upon by way of mutation of revenue records. Admittedly, after the demise of the father of the second respondent, he did not mutate the revenue records in his favour. Now, on the basis of the Will dated 04.04.2014 the second respondent had executed the sale deed in favour of the petitioner. Therefore, the first respondent has rightly refused to register the sale deed.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent and it is devoid of merits and it is liable to be dismissed. However, if the subject property mutate in favour of the second respondent and on production of such documents, the first respondent can register the sale deed executed in favour of the petitioner if it is otherwise in order.



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6. It is also made clear that the Will executed in favour of the second respondent does not require any registration or any probation or any declaration by the Court of law, if the property situated outside the jurisdiction of High Court of Madras, Bengal and Bombay. That apart, the will was executed in favour of the second respondent after the demise of his father, now the second respondent claimed the subject property and therefore, the second respondent ought to have produce the legal heirship certificate of his demised father.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

18.12.2024

To

The Sub-Registrar,
Office of the Sub-Registrar,
Thirupparankundram,
Madurai District.



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G.K.ILANTHIRAIYAN, J.

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