



W.P.No. 1748 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1748 of 2025

S.S.Velu

.... Petitioner

Vs

1.The District Registrar  
District Registration Office Campus  
(Combined Registration Office)  
Kumaragiri Bypass Road  
Ammamet, Salem - 636 014.

2.The Sub Registrar,  
Sankari Sub Registrar Office  
Sankari Taluk, Salem District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent S.R.O., Sankari Taluk, Salem District to accept the gift settlement deed dated 02.08.2024 for registration thereby considering the petitioner's application for pre-registration Token Receipt No.TP/189856841/2024 dated 02.08.2024, within a stipulated time fixed by this Court.



W.P.No. 1748 of 2025

For Petitioner : Mr.N.Vijaya Basker

For Respondents 1 &2 : Ms.C.Meera Arumugam  
Additional Government Pleader

### **ORDER**

The writ petition is filed seeking a direction to the second respondent to register the gift settlement deed dated 02.08.2024 produced by the petitioner.

2. The petitioner's paternal grandfather late Kandasamy Gounder owned a total extent of 98 cents of lands in Morur Bit-1 Village, Sankari Taluk, Salem District. His grandfather executed a Will in favour of the petitioner on 15.12.2004. He died on 19.01.2005, leaving behind the petitioner and his father to inherit his estate. Thereafter, the petitioner had mutated the revenue records and he was in continuous possession and enjoyment of the said property. Be that as it may, the petitioner wanted to settle a portion of his property in favour of his son S.V.Varshanraj and executed a gift settlement deed. The petitioner approached the office of



the second respondent and made a application to register the gift settlement deed dated 02.08.2024. The petitioner was provided with pre-registration acknowledgement receipt vide No.TP/189856841/2024. Thereafter, when the petitioner presented his gift settlement deed along with pre-registration acknowledgement receipt, before the second respondent for registration, the same was refused and the document was returned to the petitioner. The petitioner was orally informed that the Will executed by late Kandasamy was not a registered document and the therefore, the gift settlement deed now produced by the petitioner cannot be registered.

3. The petitioner would contend that inspite of he submitting all necessary documents for registration, the act of the second respondent, denying to register the gift settlement deed on the ground that the Will that has been produced is an unregistered one, is arbitrary and illegal. Hence, the petitioner is before this Court.



W.P.No. 1748 of 2025

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

5. This Court finds merit in the submissions of the petitioner. The petitioner is directed to present the gift settlement deed forthwith, and on such presentation, the Sub Registrar, Sankari Taluk, Salem District, the second respondent shall register the same within a period of two weeks from the date of presentation of the document without insisting upon the production of the original documents on title. Since registration of a Will is optional, the reason for the denial is unjustified.

6. With the above direction, the writ petition is allowed. No costs.

27.01.2025

Index: Yes/No  
Speaking order/non-speaking order  
Neutral Citation: Yes/No  
ds



W.P.No. 1748 of 2025

To:

WEB COPY

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2. The Sub Registrar,  
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P.T.ASHA, J.,

ds

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