



W.P.No.3664 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3664 of 2025

P.Anbazhagan

... Petitioner

Vs.

1.The District Registrar (Salem West)
No.313, 3rd Floor
District Registration Office Campus
Salem Collectorate Building
Kottai Main Road, Salem 636001

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip of the 2nd respondent in Refusal No.RFL/Magudanchavadi/9/2025 dated 10.01.2025 and quash the same as illegal & arbitrary and consequently direct the 2nd respondent S.R.O, Magudanchavadi, Sankari Taluk, Salem District to register the Gift Settlement Deed dated 10.01.2025 presented for registration in Pre-Registration Token



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Receipt No.TP/206743978/2025 dated 09.01.2025 within a stipulated time as fixed by this Court.

For Petitioner : Mr.N.Vijaya Basker
for Law Vision

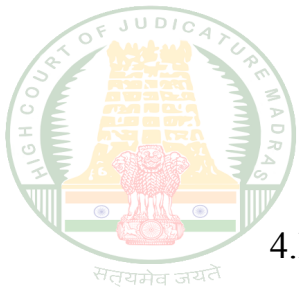
For Respondents : Mr.K.Karthick Jagannath
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the 2nd respondent dated 10.01.2025 and for a consequential direction to the 2nd respondent to register the Gift Settlement Deed dated 10.01.2025 executed by the petitioner in favour of his brother.

2.Heard Mr.N.Vijaya Basker, the learned counsel appearing on behalf of the petitioner and Mr.K.Karthick Jagannath, the learned Government Advocate appearing for the respondents.

3.On carefully going through the refusal check slip, it is seen that the only reason assigned is that the Will in question through which the petitioner is claiming his right, is an unregistered document.



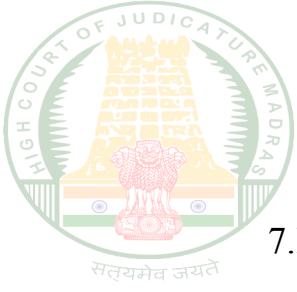
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4. In the considered view of this Court, registration of a Will is only option.

Therefore, the respondents cannot insist for the registered Will for the sake of registering the settlement deed.

5. The learned Government Advocate appearing on behalf of the respondents submitted that the patta that has been relied upon by the petitioner in patta Nos. 703 & 406 shows that there is joint ownership over the property and the interest of other co-owners is involved and in fact, the name of the petitioner is not even found in patta No. 406.

6. It is not necessary for this Court or the Sub Registrar to go into this issue. The cause of action for filing the present writ petition is the refusal check slip which mentions that the Will that is relied upon by the petitioner is not a registered one. In so far as the right and title over the property, the mere registration of the document will not confer any better right than what the petitioner already possess. In any case, it is a separate cause of action which will be agitated by the parties before the appropriate forum.



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7.In view of the above, the impugned refusal check slip issued by the 2nd respondent dated 10.01.2025 is hereby quashed and there shall be a direction to the 2nd respondent to register the document, if it is otherwise in order. It is made clear that this Court has not decided the right and title of the petitioner over the property and this writ petition confines itself only to the registration of the document and nothing more.

8.In the result, this writ petition is allowed in the above terms. No costs.

04.02.2025

Index : Yes / No
Neutral Citation

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N. ANAND VENKATESH, J.

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