



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.6452 of 2025

Mr.R.Surya

... Petitioner

Vs.

The Sub Registrar,
Avadi Register Office,
Avadi, Chennai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to TP/1463366886/2023 dated 29.03.2023 and quash the same and consequently direct the respondent to register the Deed of settlement dated 29.03.2023 executed by the petitioner in favour of his mother Mrs. Sowmiyalakshmi.

For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip dated 29.03.2023 issued by the respondent and for a consequential direction to the respondent to register the Settlement Deed executed by the petitioner in favour of his



WEB COPY

2.Heard Mr.P.G.Thiyagu, learned counsel appearing on behalf of the petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of respondent.

3.The Settlement Deed that was executed by the petitioner in favour of his mother dated 29.02.2023 was refused to be registered mainly on the ground that the 'Will' is an Unregistered Will and hence, the petitioner must get letters of administration.

4.The law on this issue is now too well settled and this Court had repeatedly held that 'Will' is not a compulsorily registrable document and therefore, the Sub Registrar cannot insist for a 'Will' to be registered. After the demise of the executor of the 'Will', the 'Will' automatically comes into force and hence, the petitioner has derived the right under the 'Will' and he wants to execute the Settlement Deed in favour of his mother.

5.In the light of the above discussion, the impugned refusal Check Slip issued by the respondent dated 29.03.2013 is hereby quashed and there shall be a direction to the respondent to entertain the Settlement Deed and register the same, if it is otherwise in



WEB COPY

6.In the result, this writ petition is allowed with the above direction. No Costs.

26.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

The Sub Registrar,
Avadi Register Office,
Avadi, Chennai.



WEB COPY



N. ANAND VENKATESH, J.

SSR

W.P.No.6452 of 2025

26.02.2025