



Writ Petition No.9878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9878 of 2025

D.Mohanavel
S/o.A.Dharmarajan No.6 Advocates
Bell House Ambigai Nagar
Gobichettipalayam Erode District
638476

Petitioner

Vs

The Joint Sub Registrar No.1
Office of District Registrar
Gobichettipalayam, Erode 638 452.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus Calling for the records of the impugned order of the respondent in Refusal slip Number RFL/1 No. Joint Sub Registrar Gopichettipalayam/7/2025 dated 24.02.2025 and quash the same and consequently register the Settlement Deed dated 18.11.2024 presented by the petitioner to the respondent.

For Petitioner : Mr.M.R.Dhalapathy Vignesh Kumar

For Respondent : Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check



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slip issued by the respondent dated 24.02.2025 and for a consequential direction to the respondent to register the Settlement Deed dated 18.11.2024 executed by the petitioner in favour of his brother.

2. Heard Mr.M.R.Dhalapathy Vignesh Kumar, learned counsel for petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for respondent.

3. The refusal check slip has been issued on the ground that the Will is an unregistered document and in the patta, the name of the executor of the Will is not found and that the original title documents were not produced at the time of presentation of the settlement deed for registration.

4. This Court has repeatedly held that there is no need for compulsory registration of a Will and that cannot be a ground for refusing registration of a document where the executor is claiming under the Will. Insofar as the second ground is concerned, the petitioner has taken a very specific stand that the original title documents are missing and are not traceable and if that is the case, necessary recital shall be added in the



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settlement deed itself. The third ground is that the patta did not stand in the name of the executor of the Will. That again cannot be a ground for refusing to register the settlement deed.

5. In the light of the above discussion, the impugned refusal check slip dated 24.02.2025 is hereby quashed and there shall be a direction to the respondent to register the Settlement Deed dated 18.11.2024, if it is otherwise in order.

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

24.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To
The Joint Sub Registrar No.1
Office of District Registrar,
Gobichettipalayam, Erode 638 452.

N.ANAND VENKATESH, J
gm



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