



WEB COPY



W.P.No.17960 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.P.No.17960 of 2025

&

WMP.No.20169 of 2025

Guhapriya

..... Petitioner

Vs.

The Sub Registrar,
The Sub Registrar Office,
Ambur, Thirupathur District.

. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned check slip in Refusal No.RFL/AMBUR/28/2005 by the respondent dated 04.04.2025 and quash the same as illegal and ultravires and consequently direct the respondent to register and release the Will dated 23.11.2021 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr. M.Dinesh

For Respondent : Mr. V.Baranidharan, Spl.G.P

ORDER

Page 1 of 5



W.P.No.17960 of 2025

WEB COPY

The present writ petition is filed challenging the impugned refusal check slip issued by respondent dated 04.04.2025, refusing to register the sale deed, on the premise that the Will, on the basis of which, the title is claimed, has not been probated.

2. The learned counsel for the petitioner, placing reliance upon the order of this court made in WP(MD).No.5760 of 2023, dated 16.03.2023 would submit that mere non probate of the Will cannot be a reason to refuse registration of a sale deed. The relevant portion of the abovesaid order is extracted hereunder:

' 3. That order has to be interfered with by this Court, since a 'Will' need not be registered. Section 57 of the Indian Succession Act, 1925, also gives exceptions for grant of probate of a 'Will' for properties which are situated outside the city limits of Chennai. The 'Will' need not be registered. A 'Will' can be written down. All that requires is attestation under section 68 of the Indian Evidence Act. Even if registered, it does not mean that the 'Will' had been proved in the manner known to law. The 'Will' has been



WEB COPY



W.P.No.17960 of 2025

executed in this instant in the year 2001 and had come into effect on the date of the death of the father. The Sub Registrar therefore, cannot raise question about the registration of the 'Will' or seek probate of the 'Will'. The said reasons are set aside.

4. A direction is given to the petitioner to again re-submit the Settlement Deed in normal process through online after following due procedure and within 10 working days from such re-presentation, the respondent may register the Settlement Deed, if it is otherwise in order. The documents relating to the death certificate of the father of the petitioner, Appana Rao may also be produced along with the settlement deed, if it had not been produced so far.

3. In the light of the above decision/order, the impugned refusal check slip issued by the respondent dated 04.04.2025 is hereby quashed. The petitioner would resubmit the documents to the respondent and on resubmission, the respondent shall register the sale deed, if it is otherwise in order. If for any reason, the respondent is of the view that registration of the sale deed ought to be refused, the refusal slip would be issued assigning reasons.



W.P.No.17960 of 2025

WEB COPY

4. In the result, this Writ Petition stands allowed. However, there shall be no orders to costs. Consequently, the connected miscellaneous petition is closed.

05.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
msr

To

The Sub Registrar,
The Sub Registrar Office,
Ambur, Thirupathur District.



WEB COPY



W.P.No.17960 of 2025

MOHAMMED SHAFFIQ, J.

msr

W.P.No.17960 of 2025
and WMP.No.20169 of 2025

05.06.2025