



WEB COPY



W.P.No.16781 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.16781 of 2025

V.Subramani

... Petitioner

Vs.

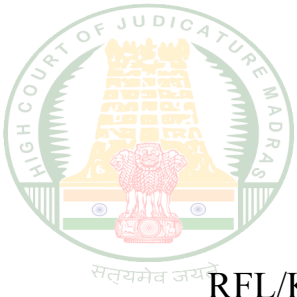
1.The Inspector General of Registration,
O/o The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
O/o. District Registrar Office,
Erode District,
Erode.

3.The Sub Registrar,
Sub Registrar Office,
Kavunthapadi,
Erode District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip in



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RFL/Kavunthapadi/18/2025 dated 23.04.2025 issued by the third respondent and quash the same as illegal and consequently direct the third respondent to accept and register the Settlement deed dated 22.04.2025 presented by the petitioner and pass orders.

For Petitioner : M/s.S.Sengkodi
For Respondent : Mr.U.Baranidharan
Special Government Pleader

O R D E R

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the impugned refusal check slip dated 23.04.2025 issued by third respondent, whereby the settlement deed made by the petitioner in favour of his wife was refused on the premise that the title devolved on the petitioner through an unregistered Will dated 01.06.2020.



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3. It is submitted by learned counsel appearing for petitioner that assuming the Will is unregistered, that can be no reason for refusal of the registration by the third respondent.

4. The learned counsel for petitioner would place reliance upon the judgment of this Court in W.P.16999 of 2020 dated 03.12.2020, wherein the status of the Will has been examined and it was found that a Will does not get a special status by registering the same and further, there is no law which mandates registration of a Will and it was thus submitted that the above reasoning of the third respondent is ill founded. The relevant portion of the order dated 03.12.2020 is extracted hereunder:

"5. In the considered view of this Court, a Will does not get a special status by registering the same. Admittedly, it is a document which need not be registered and no law mandates such registration. The law on this issue is well settled and it has been held that just because the Will is registered, reliance cannot be placed on the same, unless it is proved in the manner indicated under the Evidence Act.

6. In the present case, the respondent has insisted for getting a probate with regard to the Will executed in favour of the petitioner.



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Insofar as the probate is concerned, the same becomes mandatory only when it attracts the provisions of Section 213 of the Indian Succession Act. The property in question is situated at Kancheepuram District and the Will has also been executed at Kancheepuram District and therefore, the Will in question does not fall under the requirements of Section 213 of the Indian Succession Act and it does not require a probate for the purpose of acting upon this Will."

5. In the light of the above discussion, the impugned refusal check slip issued by the respondent dated 23.04.2025 is hereby set aside. The petitioner would resubmit the documents to the respondents and on resubmission, the respondents shall register the settlement deed, if it is otherwise in order. If for any reason, the respondents refuses to register the settlement deed, he shall assign reasons in the refusal slip, which was agreed to by both counsel for petitioner as well as respondents.



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6. In the result, this Writ Petition stands disposed of. There will be

no orders to costs.

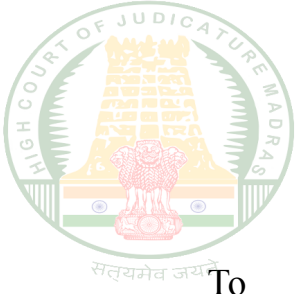
04.06.2025

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

mrn



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To

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MOHAMMED SHAFFIQ, J.

mrn

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