



W.P.No.17517 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 09.05.2025

CORAM :

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.17517 of 2025

Lalith Kumar,
S/o.Mr. Rajangam,
No. 13/8, Appu Chetty Street,
Shevapet,
Salem District.

... Petitioner

vs.

1. The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
Santhome,
Chennai - 600 004.

2. The Joint Sub-Registrar, No.3(West),
Joint Sub-Registration Office No.3 (West),
Salem, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned refusal order dated 29.04.2025 in Refusal No.RFL/3/Joint Sub-Registrar Salem No.3 (West)/44/2025 passed by the 2nd respondent and quash the same, consequently direct the 2nd respondent to register the Settlement deed of the Petitioner dated 24.04.2025 for its registration forthwith and pass orders.

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For Petitioner : Mr.M.R.Elavarasan

For Respondents : Mr.U.Baranidharan,
Special Government Pleader.

ORDER

The Writ Petition is filed challenging the refusal issued by the respondents dated 29.04.2025 whereby the settlement deed presented by the petitioner dated 24.04.2025 was refused registration on the ground that the Will relied upon has not been registered.

2. Heard the Learned Counsel for the petitioner and the Learned Special Government Pleader for the respondents.

3. Already the issue in respect of entertaining the document for registration where the Will has not been registered, has been decided upon and this Court by an order dated 03.12.2020 in W.P.No.16999 of 2020 had allowed the writ petition by directing the authorities to register the document.



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4. Paragraph Nos. 5 & 6 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. Insofar as 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.”



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5. In view of the above, the Writ Petition is allowed and the impugned order stands quashed. The 2nd respondents is directed to receive the settlement deed for registration and register it, if it is otherwise in order. There shall be no order as to costs.

09.05.2025

Index : Yes/No.

Neutral Citation : Yes/No.

bsm/ari

To,

1. The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
Santhome,
Chennai - 600 004.

2. The Joint Sub-Registrar, No.3(West),
Joint Sub-Registration Office No.3 (West),
Salem, Salem District.

3. The Government Pleader, High Court, Madras.



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