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W.P.No.23100 of 2025

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 30.06.2025

CORAM:

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.23100 of 2025

Selvi

.. Petitioner

Vs.

The Joint Sub Registrar
Coimbatore North, Coimbatore.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in RFL/1/Joint Sub-Registrar, Coimbatore North/82/2025 dated 06.05.2025 and quash the same and consequently direct the respondent to register the Power Deed dated 06.05.2025 executed by the petitioner in favour of Praveen Kumar.

For Petitioner : Mr.T.Gnanabanu

For Respondent : Mr.U.Baranidharan
Special Government Pleader

ORDER

By the consent of both parties, the present writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed challenging the Refusal Check Slip dated 06.05.2025.



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3.The Power Deed dated 06.05.2025, which was sought to be registered, was refused registration only on the premise that the petitioner traces title to the subject property on the basis of an unregistered Will.

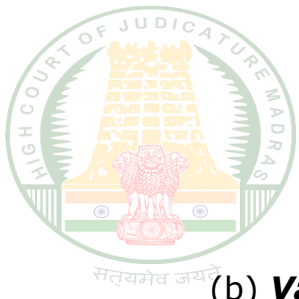
4. It is submitted by *Mr.T.Gnanabanu*, learned counsel for the petitioner, that there is no law which mandates that the Will ought to be registered. Thus, the impugned proceedings is liable to be set aside.

5. In this regard, it may be relevant to extract the relevant portions of the judgments of this Court in the following cases:-

(a) ***S.Sakunthala vs. The Inspector General Of Registration and Ors.***¹

"4. The issue that is involved in this writ petition is squarely covered by the earlier order in W.P.No.3382 of 2025 dated 04.02.2025. This Court has held that the registration of the Will is an option and it is not a compulsorily registrable document. Therefore, the registering authority cannot insist for the registration of the Will as condition precedent to entertain a document."

¹ W.P.No.7700 of 2025; Dated: 07.03.2025.



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(b) **Varadhammal Vs. The Sub-Registrar²**

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"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.

7. The petitioner is claiming the right over the subject property by virtue of the Will executed by her husband. She wants to settle the property in favour of one of her sons. Therefore, the respondent can always act upon the Will and should have taken into consideration the fact that the mother is settling the property in favour of one of her sons and there is no third party, who is getting into the transaction. If ultimately the other children of the petitioner are disputing the validity of the Will, they can always approach the competent Civil Court and put the Will to test. Till that happens, the Will is a valid document for all purposes and it can be acted upon."

² W.P.No.16999 of 2020; Dated: 03.12.2020.



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6. In view thereof, the impugned order is set aside. It is open to the petitioner to represent the Power Deed and the same would be registered, if it is otherwise in order. If for any reason, the registration of the same is sought to be refused, such refusal would be done after assigning appropriate reasons.

7. The writ petition, as such, stands disposed of. There shall be no order as to costs.

30.06.2025

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No

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- To:
1. The Joint Sub Registrar
Coimbatore North, Coimbatore.



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MOHAMMED SHAFFIQ, J.

(drm)

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