



W.P.No.22586 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.22586 of 2025

Sraswathi

... 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 Joint Sub Registrar,
Sub Registrar Office,
Kunnathur,
Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip in RFL / Kunnathur / 12/ 2025 dated - 20.05.2025 issued by the 3rd respondent and quash the same as illegal and consequently directing the 3rd respondent to accept and register the Partition deed document dated 20.05.2025 presented by the petitioner.



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For Petitioner(s) : Mr.S.Sengkodi

For Respondent(s) : Mr.U.Baranidharan for R1 to R3
Special Government Pleader

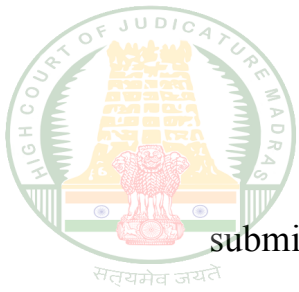
ORDER

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 for writ of certiorarified mandamus challenging the impugned refusal check slip issued by the 3rd respondent dated 20.05.2025 in RFL/Kunnathur /12/ 2025 and to quash the same as illegal and consequently direct the 3rd respondent to accept and register the Partition deed document dated 20.05.2025 presented by the petitioner.

3.It is submitted by the learned counsel for the petitioner that the Partition Deed was presented before the respondent for registration, the same was refused by the 3rd respondent, on the premise that Will on the basis of which title is derived/claimed by the petitioner is not registered.

4.Reliance was placed on the following judgments of this Court to



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submit that registration of Will is not mandatory:

WEB COPY (i) In W.P.No.12671 of 2023 dated 03.07.2023, this Court held as follows:

“3.Probation of will is not compulsory except in the city of Chennai and thus, the Sub Registrar ought not to have refused the registration merely on the ground that the will was not probated. More so, in the present case, the sale deed was presented by duly paying the stamp duty and by following the procedures.”

(ii) In W.P.No.16999 of 2020 dated 03.12.2020, this Court has held

as follows:

“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.”

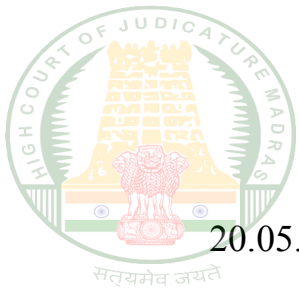
(iii) In W.P.No.6452 of 2025 dated 26.02.2025, this Court has held

as follows:

“4.The law on this issue is now too well settled and this Court had repeatedly held that 'Will' is not a compulsorily registrable document and therefore, the Sub Registrar cannot insist for a 'Will' to be registered. After the demise of the executor of the 'Will', the 'Will' automatically comes into force and hence, the petitioner has derived the right under the 'Will' and he wants to execute the Settlement Deed in favour of his mother.”

5.In view of the above judgments, this Court is inclined to set aside

the impugned refusal Check Slip issued by the 3rd respondent dated



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20.05.2025.

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6.On this being pointed out, learned Special Government Pleader for the respondents would submit that the petitioner may re-present the Partition Deed and the same would be registered if it is otherwise in order. If for any reason, there is a need for refusal of registration of the Sale Deed, they would do so after assigning reason by issuing refusal slip, which was agreed to by the learned counsel for the petitioner.

7.In view thereof, the writ petition stands disposed of with liberty to the petitioner to re-present the Partition Deed dated 20.05.2025. Respondent shall consider the Partition Deed and register the same, if it is otherwise in order. No Costs.

25.06.2025

Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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- To
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MOHAMMED SHAFFIQ, J.

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