



W.P.No.25546 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS`

DATED : 16.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.25546 of 2025

D.Sivakumar

... Petitioner

Vs.

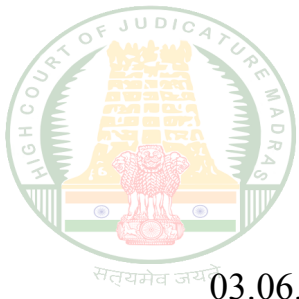
1.The Inspector General of Registration,
100, Santhome Road,
Chennai.

2.The District Registrar,
Chengalpattu District.

3.The Sub-Registrar,
Maduranthakam,
Chengalpattu 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 Refusal Check Slip No.RFL/Maduranthagam/40/2025 dated 03.06.2025, issued by the third respondent, and to quash the same as illegal, incompetent and further direction to the third respondent to register the Settlement deed dated



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03.06.2025 on its representation by the petitioner.

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For Petitioner : M/s.R.S.Maithreya

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 03.06.2025 issued by third respondent, whereby the settlement deed dated 03.06.2025 presented by the petitioner was refused to be registered on the premise that the parent deed is an unregistered Will and the Will is not probated and secondly, patta has not been transferred in the name of the settlor.

3. Learned counsel appearing for petitioner would submit that the above reasons for refusal of registration is contrary to the orders of this Court in W.P.No.16999 of 2020 dated 03.12.2020 and W.P.No.7700 of 2025 dated 07.03.2025.



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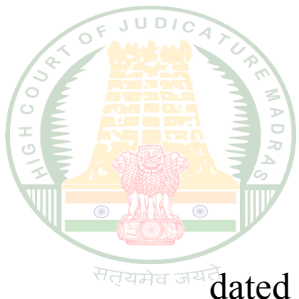
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3.1. The relevant portion of the order in W.P.No.16999 of 2020 dated 03.12.2020 is extracted hereunder:

"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 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"

3.2. The relevant portion of the order in W.P.No.7700 of 2025



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dated 07.03.2025 is extracted hereunder:

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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.

4. It is submitted by the learned counsel for the petitioner that existence of a patta, is not required for the purpose of registration. In this regard, a circular has been issued in Circular No.22482/C1/2022, dated 12.07.2024, wherein instructions have been issued that the registering officer shall not refuse to register only on the ground of non-furnishing of the documents/revenue records. The relevant portion of the Circular is extracted hereunder:

"In the reference, first cited, Hon'ble High Court had directed the Inspector General of Registration to issue circular indicating the law declared by the Court in various verdicts. Accordingly this circular is issued on the basis of the various verdicts of Courts and also reiterating various circulars which have been already issued in



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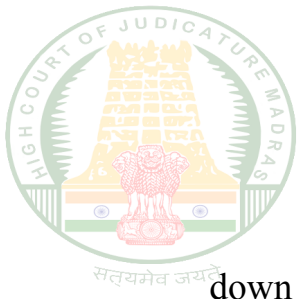
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this regard.

a) Vide Inspector General of Registration Circular No.58804/L1/2004 dated 8.11.2004 it has been already instructed that registering officers should not insist the registrants to produce Chitta, Adangal, Rental value certificate etc. Moreover, in the said circular it was stated that if any violation is found, severe disciplinary action would be initiated against the registering officer."

5.At the outset, it was submitted by the learned Special Government Pleader that if the settlement deed dated 03.06.2025 is presented before the third respondent, the same would be registered, if it is otherwise in order. If, for any reason, the Sub Registrar is of the view that the registration ought to be refused, he would do so after assigning reasons, which was agreed to by the learned counsel for the petitioner.

6. In view thereof, it is open to the petitioner to re-present the settlement deed dated 03.06.2025 before the third respondent. On such re-presentation, the third respondent shall register the settlement deed, if it is otherwise in order, in accordance with law, keeping in view the law laid



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down by this Court in W.P.No.16999 of 2020 dated 03.12.2020 and W.P.No.7700 of 2025 dated 07.03.2025, and the instructions issued in Circular No.22482/C1/2022, dated 12.07.2024, If for any reason, the third respondent 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. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.

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

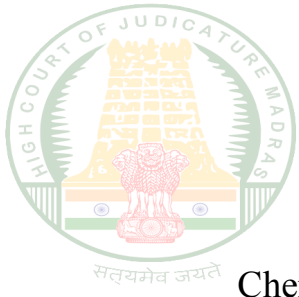
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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

mrn

To

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100, Santhome Road,



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MOHAMMED SHAFFIQ, J.

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