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W.P.No.25599 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.25599 of 2025

B.Senthilkumaran

... Petitioner

Vs.

The Sub-Registrar,
Magudanchavadi,
Salem District,
Tamilnadu.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorarified mandamus, to call for the records in RFL/Magudanchavadi/191/2025 and quash the same as illegal, incompetent and wholly without jurisdiction and consequently direct the respondent to register the Sale Deed presented on 11.06.2025.

For Petitioner : M/s.Sunny Sheen Akkara
For Respondent : Mr.U.Baranidharan
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.



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2. The present writ petition praying for writ of certiorarified mandamus has been filed challenging the Refusal Check Slip, whereby the Sale Deed, which was sought to be registered by the petitioner was refused registration, on the premise that the Will is not probated. Secondly, the Patta remains to in the name of one Thilagan and not in the name of the petitioner.

3. The learned Counsel for the petitioner would submit that the said Thilagan executed a will in favour of one Balasubramaniam, the petitioner's father on 24.12.2013. The petitioner as a son succeeded to the property. That, the impugned order cannot be sustained in the light of the order passed by this Court in W.P.No.16999 of of 2020, dated 03.12.2020 and the relevant portions are 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



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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 transactions. 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."

4. Insofar as the patta not having mutated in the name of the petitioner, the learned Counsel for the petitioner would rely upon the Circular No.22482/C1/2022 dated 12.07.2024, issued by the Inspector General of Registration, wherein the following instructions have been issued:

"In the reference, first cited, Hon'ble High Court had



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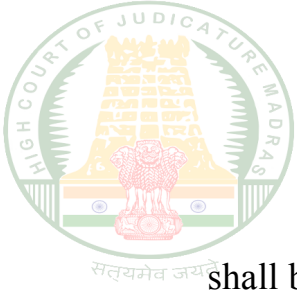
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directed the Inspector General of Registration to issue Circular indicating the law declared by the Court in various verdicts. Accordingly, this circular is issued on the basis of the various verdicts of courts and also reiterating various circulars which have been already issued in this regard.

a) Vide Inspector General of Registration Circular No.58804/L1/2004 dated 08.11.2004, 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.

Further, it is hereby reiterated that if registering officers are found to have passed an order of refusal on the grounds that the executant of a document has not produced Chitta, Adangal, FMB Sketch, then severe disciplinary actions will be taken."

5. In the light of the above discussion, the impugned refusal check slip issued by the respondent dated 11.06.2025 is hereby quashed. The petitioner shall resubmit the documents to the respondent and on resubmission, the respondent shall register the Sale Deed, if it is otherwise in order. If for any reason, registration of Sale Deed is sought to be refused, the respondent shall issue refusal slip/order assigning appropriate reasons.



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6. In the result, this Writ Petition stands allowed. However, there shall be no orders to costs.

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To
The Sub-Registrar,
Magudanchavadi,
Salem District,
Tamilnadu.



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MOHAMMED SHAFFIQ, J.

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