

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.08.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WMP Nos.33308 and 33310 of 2025
in
WP No.16176 of 2025

Mr.Govindharaj

..Petitioner

..Vs.

1. K.Palani

2. The Sub Registrar,
Office of the Sub Registrar,
Rayakottai,
Krishnagiri District

..Respondents

PRAYER in WMP No.33308 of 2025:- The Writ miscellaneous petition filed under Article 226 of Constitution of India to recall the order dated 30.04.2025 passed in WP No.16176 of 2025.

PRAYER in WMP No.33310 of 2025:- The Writ miscellaneous petition filed under Article 226 of Constitution of India to stay the operation the order dated 30.04.2025, pending disposal of the recall petition.

For Petitioner : Mr.J.Ramesh

For Respondents: Mr.A.Tamilarasan for R1

Mr.E.Vijay Andand,
Additional Government Pleader for R2

**ORDER**

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WMP No.33010 of 2025 has been filed to recall the order passed by this Court in WP No.16176 of 2025 dated 30.04.2025.

2. The writ petition was disposed of by an order dated 30.04.025 in the following terms:-

4. *The issue involved in the present case is squarely covered by the earlier order of this Court in WP No.16999 of 2020 dated 03.12.2020. This Court has categorically held that the Will is not a compulsorily registrable document and hence, the sub Registrar cannot insist for registered Will.*
5. *In the light of the above discussion, the impugned refusal check slip issued by the respondent dated 04.04.2025 is hereby quashed and there shall be a direction to the respondent to register the settlement deed dated 04.04.2025, if it is otherwise in order.*

3. The writ petitioner relied upon an unregistered Will dated 07.04.2004. However, the petitioner in this petition has specifically come up with a case that the executor of the Will had sold the property in favour of the petitioner's grand father and therefore, the executor did not have any title or interest over the



property in the year 2004.

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4. Heard MR.J.Ramesh, learned counsel for the petitioner and Mr.A.Tamilarasan, learned counsel for 1st respondent and Mr.E.Vijay Anand, learned Additional Government Pleader for 2nd respondent.

5. On carefully considering the materials placed before this Court, it is seen that the subject property in Survey No.303/3 measuring an extent of 0.48 cents was sold by Muniappan and his wife in favour of late Chinnapillai and lakshman on 06.06.1967 under registered document No.441 of 1967. Thereafter, the petitioners grand father executed a registered Will in the name of the petitioner herein on 27.11.2003. The joint patta also stands in the name of the petitioner in Patta No. 832.

6. In the light of the above documents available before this Court, the right and title claimed by the writ petitioner becomes questionable. If Muniappan had already dealt with the property in the year 1967 itself, he could not have bequeathed the property in



the year 2004 since he was no longer the owner of the property.

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7. In view of the above, the order passed in the writ petition has to be necessarily recalled and the same is hereby recalled. If at all, the writ petitioner has any grievance, it has to be worked out before the competent Court in the manner known to law.

8. In the result, the WMP No No.33308 of 2025 is allowed and the WMP No.33310 is closed.

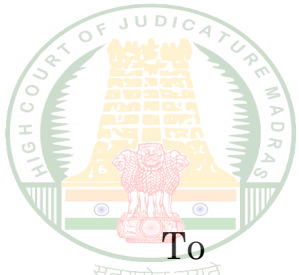
13.08.2025

rka

Internet : Yes/No

Index : Yes/No

Speaking order : Yes/No



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To

The Sub Registrar,
Office of the Sub Registrar,
Rayakottai,
Krishnagiri District

N.ANAND VENKATESH.,J
rka



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