



W.P. No.29020 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.29020 of 2025
and
W.M.P. No.32560 of 2025

S.Selvaraj

Petitioner(s)

Vs

1.The Government of Puducherry,
Rep. By Secretary to Government,
Registration Department, Puducherry.

2.Sub Registrar Admin,
Puducherry.

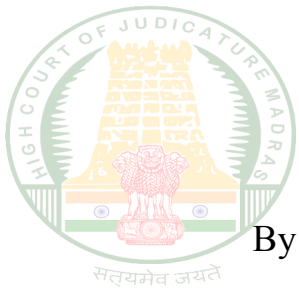
Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in No.281232/RD/DR/SRA/2025/611 dated 22.07.2025 passed by the 2nd respondent quash the same an and consequently direct the 2nd respondent to register the probate the order dated 16.04.2025 made in OP No.794/2023.

For Petitioner(s) : Mr.N.Manoharan

For Respondent(s) : Mr.V.Vasantha Kumar
Addl. Government Pleader (Pondicherry)

ORDER



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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 praying for a writ of Certiorarified Mandamus challenging the return memo dated 22.07.2025 whereby the 2nd respondent has issued a return memo refusing to register O.P.No.794/2023 in relation to the will dated 28.11.2022 on the premise that the probate granted by this Court is limited to the State of Tamil Nadu and may not have any bearing in respect of the properties situated in Pondicherry as it does not mention the Union Territory of Pondicherry. The relevant portions of the memo is extracted hereunder:

“1. The Will submitted for registration is not registered and has only been probated specifically to the limit of State of Tamil Nadu.

2. The probate granted by the Hon'ble High Court of Madras is limited to the State of Tamil Nadu and there is no specific mention that it is also extended to the property in the Union Territory of Puducherry.

3. As per the provisions of the Indian Succession Act, 1925, a probate granted by a Court in one state does not automatically confer executory rights in another Union Territory unless duly extended or revalidated by a competent court therein.

4. In the absence of a valid probate having effect in Puducherry, the Will cannot be treated as duly authenticated for the purpose of registration under the Registration Act, 1908.”

3. It is submitted by the learned counsel for petitioner that the impugned order suffers from two infirmities viz., insistence of probate for the purpose of



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registration. Secondly, it is submitted that this Court in any view granted probate

to the will dated 28.11.2022. He would further submit that will dated 28.11.2022

is with reference to three properties viz.,

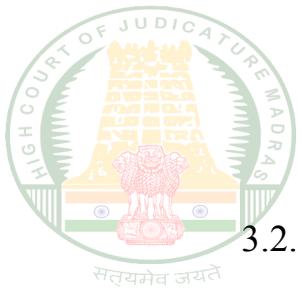
i) Item No:1 – measuring 1912 sq.ft. Bearing Plot No.16 comprised in S.Nos.70/1 and 70/2, Gokulam Nagar I, No.157, Moovarasampet, Saidapet Taluk, Chengalpattu District.

ii) Item No:2 – measuring 2100 sq.ft. Bearing Plot No.51 comprised in RS.No.84/3, Pallipadai Village and in RS.No.2/1 and 1/3 in Thillaiamman Nagar, C.Kothangudi Village, Chidambaram Taluk, Cuddalore District.

iii) Item No:3 – measuring 1200 sq.ft. In Plot No.25 bearing TS Nos.7/1A/1A/3, RS.No.184/1 (pt), Cadastre Nos.800/1 (pt) and 800/2 (pt), Patta No.459 at No.44, Murugapakkam Village, Velrampet, Tiruppur Kumaran Nagar, 5th Cross Street, Puducherry.

3.1. Further, it is stated that an Original Petition in O.P.No.794 of 2023 was filed for issuance of probate for the last will and testament dated 28.11.2022 executed by one Mrs.R.Mangalam, who died on 22.12.2022. The original petition was disposed of with the following directions:

“7. In view of the said evidence, the execution of will stands proved. Hence, the original petition is allowed granting probate of the last will and testament dated 28.11.2022.”



3.2. Learned counsel for petitioner would further submit that probate is with reference to the will and is not with reference to some of the properties in the will. The impugned order dissects the will into certain items which according to the petitioner may not be permissible. He would further place reliance on written instructions that the impugned proceedings was issued in excess of the powers vested under Section 71 of the Registration Act.

4. There is merit in the submission of the learned counsel for petitioner inasmuch as the question is about the authority to issue refusal check slip and that the reasons set out in the impugned memo dated 22.07.2025 cannot be sustained for the reasons that probate of a will is not a condition precedent for registration. In any view, once will is probated, it should govern/cover will in its entirety and cannot be dissected.

5. In view thereof, the impugned order is set aside, the 2nd respondent shall register the probate order dated 16.04.2025, if it is otherwise in order. If for any reason the same is rejected, the registering authority shall do so after assigning appropriate reasons for such refusal by way of a refusal check slip. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.



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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

1.The Secretary to Government,
Registration Department, Puducherry.

2.Sub Registrar Admin,
Puducherry.



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MOHAMMED SHAFFIQ, J.

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