



W.P.No.29865 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.29865 of 2025

1.Vellingiri

... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028

2.The Sub Registrar
Sathyamangalam Sub Registrar Office
Erode District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in RFL/Sathyamangalam/15/2025 and to quash the order dated 12.05.2025 and to direct the respondent No.1 to register the settlement deed executed by the petitioner in favour of his grandson for writ property at SF No.79/5, which is an extent of 60 acres and 50.0 square meter and another property at SF No.73/2 which is an extent of 49 acres and 50 square meter in Palaiyakalaiyanoor Village, Sathyamangalam Sub Registration District, Erode District within the time stipulated by the Court.



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For Petitioner(s) : Mr.M.Saravanakumar

For Respondent(s) : M/s.A.Bakkiya Lakshmi
Government Advocate

ORDER

By consent of learned counsel on both sides, the above writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the refusal check slip dated 12.05.2025, whereby the settlement deed in favour of Prasath when sought to be registered by petitioner was refused registration on the premise that petitioner had acquired title to the property on the basis of a Will executed by his grand father Chelli Gounder and the authenticity of the said Will cannot be ascertained.

3. At the outset, Mrs.A.Bakkiya Lakshmi, learned Government Advocate submitted that the registration of the settlement deed was refused for two reasons a) that there is nothing to show that this is the Last Will which was executed by Karuppa Gounder and b) the 2nd respondent has raised doubts over the genuineness of the Will.



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4. At this juncture, learned counsel for the petitioner would submit that the first reason cannot be a reason for refusing registration and in this regard reliance was placed on the decisions of this Court in W.P.No.14689 of 2024 and W.P.No.20268 of 2025. Insofar as the second reason is concerned, learned counsel for the petitioner would submit that they have never been afforded the opportunity of hearing, if they were provided with the opportunity of hearing, they would be in a position to put forth their explanations as to how the Will is genuine.

5. In these circumstances, the impugned refusal check slip is set aside. It is open to the petitioner to submit his response along with the relevant documentary evidence to demonstrate the genuineness of the Will on the basis of which title is sought to be derived by Vellingiri, who is the executant of the settlement deed. On submission of such response along with relevant documentary evidence, the 2nd respondent is directed to consider the same and thereafter proceed to register the settlement deed, if it is otherwise in order. If for any reasons the registering authority finds that the registration ought to be refused, the same shall be done after assigning appropriate reasons and after putting the petitioner and other interested parties on notice and affording a reasonable opportunity of hearing. It is made clear that this Court has not



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expressed any views with regard to the merits of the case nor

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conferred authority to examine/enquire question of title over the subject property. The respondent concerned shall act independently and decide the issue on its own merits and in accordance with law. No costs.

18.08.2025

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Index : Yes/ No

Speaking / Non Speaking

Neutral Citation

To.

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MOHAMMED SHAFFIQ, J.

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