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W.P.No.30954 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.30954 of 2025

S.Charan Aakash

: Petitioner

Vs.

The Sub Registrar,
Ponneri Sub Registrar Office,
Tiruvallur District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus to call for the entire records pertaining to the Refusal Check Slip in No.RFL/Ponneri/79/2025, dated 12.08.2025 on the file of the respondent herein and quash the same and consequently direct the respondent to receive, accept and entertain the Deed of Settlement presented for registration along with the unregistered Will dated 10.02.2018 and to register the same and return the original document to the petitioner, within a time frame as stipulated by this Court, and pass orders.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.U.Baranidharan
Special Government Pleader

ORDER



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WEB COPY 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 12.08.2025 issued by respondent, whereby the settlement deed dated 12.08.2025 was refused to be registered, on the premise that settlee had acquired the title to the subject property on the basis of an unregistered Will dated 10.12.2018 and secondly, patta ought to be transferred in the name of settlee, in respect of the subject property.

3. Learned counsel appearing for petitioner would submit that the above reasoning for refusal of registration is unsustainable. As regards unregistered Will, he would place reliance on the order of this Court in W.P.No.20268 of 2025 dated 12.06.2025, wherein this Court following the earlier orders of this Court in W.P. No.15267 of 2025 dated 29.04.2025 and W.P.No.14688 of 2024 held as under:

"4. Learned counsel for petitioner would place reliance upon the judgment of the Single Bench of this Court made in W.P.No.15267 of 2025 on 29.04.2025, wherein, it is held as follows:



3. The refusal check slip has been issued by the second respondent mainly on the ground that the petitioner's father was relying upon an unregistered Will and there are multiple pattas standing in the name of different persons.

4. In the considered view of this Court, the petitioner's father is tracing title through a Will. Some of the patas are standing in his name and he wants to settle the property in favour of the petitioner. Therefore, it is unnecessary for the 2nd respondent to go into the title to the property since he is not vested with such a power. In the light of the above discussion, the impugned refusal check slip issued by the second respondent dated 07.04.2025 is hereby quashed. There shall be a direction to the second respondent to register the settlement deed, if it is otherwise in order.'

5. Learned counsel for petitioner would place reliance upon the judgment of the Division Bench of this Court in the matter of N.Ramayee Vs. The Sub Registrar, Registration Department, Valapady - 636 115, Salem District and another (2020 (6) CTC 697).

6. The learned counsel for the petitioner would then rely on the order of the learned Single Bench of this Court in the matter of C.Malarkodi Vs. The District Registrar (Administration) in W.P.No.14688 of 2024, wherein it was held as under:

"It is not the duty of the Registrar to find out whether this is the last will of the Testator and only the family members are competent to challenge



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any will executed by any member of the family. That apart, even assuming that the mortgage is in existence, the same is not a bar for subsequent transfer and even if any transfer takes place, such transfer is always subject to the mortgage, which issue has already been decided by this Court in N.Ramayee v. Sub-Registrar [(2020) 6 CTC 697]. The same view is also reiterated in G.Rajasulochana Vs. The Inspector general of Registration and others (W.P.No.29706 of 2022 decided on 16.04.2024 and so also in Subramani Vs. The Sub Registrar, Rasipuram and Another (W.P.No.11056 of 2024 decided on 26.04.2024)."

7.In the light of the above discussion, this court finds that the impugned order refusing to register the Settlement Deed is without any merit."

4. As regards patta not being in the name of the settlee, learned counsel for the petitioner would submit that 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 reords. 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.



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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 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.

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. At the outset, it was submitted by the learned Special Government Pleader that if the settlement deed dated 12.08.2025 is presented before the 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 the light of the above discussion, the impugned refusal check slip issued by the respondent dated 12.08.2025 is hereby set aside. It is open to the petitioner to present the settlement deed dated 12.08.2025 before the respondent.



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On such presentation, the respondent shall register the settlement deed, if it is otherwise in order, keeping in view the law laid down by this Court in W.P.No.20268 of 2025 dated 12.06.2025, and the instructions issued in Circular No.22482/C1/2022, dated 12.07.2024, in accordance with law. If for any reason, the 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 respondent. 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 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.

14.08.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn
To
The Sub Registrar,
Ponneri Sub Registrar Office,
Tiruvallur District.



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MOHAMMED SHAFFIQ, J.

(mrn)



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