



WEB COPY

WP No. 32380 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-10-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 32380 of 2025

Sakunthala

Petitioner

Vs

The Thasildhar
Thiruchengode,
Namakkal District

Respondent

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of certiorarified mandamus, calling for the records with respect of the impugned online proceedings dated 31.07.2025 passed on the application ID 2025/ 0105/ 09/ 355064 by the respondent and quash the same and consequently directing the respondent herein issue separate patta with respect of the property comprised in SF No. 177/ 3A1A Mallasamudram East, Namakkal district within a reasonable time as fixed by this court.

For Petitioner: Mr. R.Nalliyappan

For Respondent: Mr. C. Jayaprakash, GA

**ORDER**

WEB COPY This writ petition has been filed challenging the order dated 31.07.2025 passed by the 2nd respondent, whereby the petitioner's request for issuance of a separate patta in respect of the property situated in Survey No. 177/3A1A, Mallasamudram East, Namakkal District, was rejected.

2. The case of the petitioner is that his father, late Kandasamy, was the owner of the property comprised in Survey No. 177/3, situated at Mallasamudram Village, Namakkal District, to an extent of 1.74 acres. The said Kandasamy passed away on 24.09.2019, leaving behind the petitioner and his two sisters, namely Leela and Shantha, as his legal heirs. After the demise of Kandasamy, one of the sisters, Leela, executed an unregistered Will dated 25.11.2019, bequeathing her 1/3rd share in the property in favour of the petitioner. Subsequently, Leela passed away on 04.06.2022. Thereafter, the other sister, Shantha, executed a registered release deed dated 16.08.2022, registered as Document No. 3797 of 2022, relinquishing her 1/3rd undivided share in the same property in favour of the petitioner. Consequently, by virtue of the Will executed by Leela and the release deed executed by Shantha, the petitioner has become the absolute owner of the entire property comprised in Survey No. 177/3A1A at Mallasamudram Village, Namakkal District.



3. The respondents had earlier issued a joint patta in respect of the entire extent of land covered under the said survey number. In light of the Will and the release deed executed in his favour, the petitioner submitted an application before the respondents seeking issuance of a separate patta exclusively in his name. However, the 2nd respondent, by order dated 31.07.2025, rejected the petitioner's application on the ground that the petitioner had sought subdivision of the property based on an unregistered Will. Challenging the same, the present writ petition has been filed.

4. It is well settled in law that registration of a testamentary document (Will) is not compulsory under the Registration Act, 1908. In terms of Section 18(e) of the Act, registration of a Will is purely optional. An unregistered Will, if validly executed and proved, is legally enforceable and conveys title to the beneficiary.

5. In the present case, there is no rival or competing claim regarding the 1/3rd share of the property bequeathed by the petitioner's sister, Leela, through the unregistered Will dated 25.11.2019. Further, the other co-owner, Shantha, has executed a registered release deed in favour of the petitioner, relinquishing her 1/3rd share in the property. Thus, the petitioner has lawfully acquired ownership over the entire extent of the land in question.



6. In these circumstances, the reason assigned by the respondent that the request for separate patta cannot be considered since it is based on an unregistered Will is legally unsustainable. The rejection order suffers from non-application of mind and ignorance of the settled legal position regarding the validity of unregistered Will.

7. In view of the foregoing discussion, the impugned order passed by the 2nd respondent dated 31.07.2025 is hereby set aside. The Writ Petition is allowed. No costs.

8. The respondent is directed to issue a separate patta in favour of the petitioner, after verifying the documents available on record in respect of the subject property, within a period of two (2) weeks from the date of receipt of a copy of this order.

22-10-2025

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

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To
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The Thasildhar
Thiruchengode,
Namakkal District



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G.K.ILANTHIRAIYAN, J.

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