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W.P.No. 33242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.11.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.33242 of 2025

1. V.Sriram

2. S.Abitha

..Petitioners

Vs.

1. The Sub-Registrar,
Office of the Sub-Registrar,
Sathyamangalam, Erode District.

2. The Tahsildhar
Sathyamangalam, Erode District.
R-2 suo mottu impleaded vide order dated 25.10.2025
made in this W.P.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a certiorarified mandamus, to call for records of the respondent, Sub Registrar, Sathyamangalam, relating to Refusal Check Slip No.RFL/Sathyamangalam/19/2025, dated 26.07.2025 and to quash the same as illegal and consequently, to direct the first respondent to register the settlement deed dated 26.07.2025, presented by the petitioners for registration without insisting for the production of original parent document.

For Petitioners	: Mr.V.Karthikeyan
For Respondent-1	: Mr.Stalin Abhimanyu Additional Government Pleader
For Respondent-2	: Mrs.S.Indhu Bala Additional Government Pleader



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Order

The challenge made in this Writ Petition is to the Refusal Check Slip issued by the first respondent, Sub Registrar, Sathyamangalam, dated 26.07.2025 and to quash the same and consequently, to direct him to register the settlement deed dated 26.07.2025, presented by the petitioners for registration without insisting for the production of original parent document.

2. The learned counsel for the petitioners would submit that the petitioners are the owners of the subject property, having acquired the same by virtue of a Will executed by one D.Vasanth in their favour dated 22.01.2024; that based on the said Will, the petitioners are now intending to settle the subject property in favour of their son, S.S.Madhusudan Ram, and when they presented the settlement deed for registration, the first respondent vide impugned Refusal Check Slip dated 26.07.2025 refused to register the said document, hence, the present Writ Petition is filed challenging the said impugned refusal check slip.



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2.1 It is the contention of the learned counsel for the petitioner that one

Mrs.D.Vasanth, viz., the petitioners' Aunt, has no legal heirs; that during her lifetime, since she was taken care of by the petitioners, she bequeathed the subject property in favour of the petitioners by virtue of a Will dated 22.01.2024; that after her (Vasanth) demise on 05.05.2024, the petitioners acquired right over the property and are in possession and enjoyment of the property and have been paying the property tax, electricity charges, etc.,; that as proof, the learned counsel for the petitioner produced photostat copies of the said payment bills for reference before this Court, and he fairly submitted that in all revenue records, particularly, 'A' register, the subject property is mentioned as 'Natham Property', however, the first respondent, without considering the same, arrived at a wrong conclusion that the property is a Government Poramboke Land and that the Will is an unregistered one and refused to register the settlement deed presented by the petitioners. Thus, by averring so, the learned counsel prays for setting aside the impugned Refusal Check Slip issued by the first respondent dated 26.07.2025 and to issue appropriate direction for registration of the settlement deed presented by the petitioner.



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thereby, bequeathing the property in favour of the petitioners. After the demise of the said D.Vasanthan on 05.05.2024, the petitioners acquired right over the property and are in possession and enjoyment of the same and, after such inheritance, they have been continuing to pay the property tax, electricity charges, etc.,

5.1 It is the petitioners' claim that the subject property is a Natham property. The learned counsel for the petitioners also produced all revenue records, particularly, 'A' register, as proof to show that the property is a Natham Property. Though in the records maintained by the respondents in the Sub Registrar Office, the subject property is mentioned as 'Government Poramboke Land', taking into consideration of the fact that both the purchaser, Mrs.D.Vasanthan, who, purchased the property along with housesite vide a Sale Deed dated 18.11.2016 and was paying the property tax and electricity charges, and the petitioners, who, in a similar way, after acquiring right over the property by virtue of a Will dated 22.01.2024 has utilized the property by putting up a house and has been paying the property tax, water tax and electricity charges, it is clear that the



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property was put to use only as a house property. Generally speaking, the Natham properties are properties meant for construction of house.

5.2 Thus, in the present case, the way, in which, the property was put to use both the purchaser of the property, viz., D.Vasantha and the petitioners would *per se* make it clear that the property is a Natham property. In fact, this Court also gone through the 'A' register, where, the property in question is mentioned as 'Natham property'. If it is the contention of the first respondent that the property is a Government Poramboke Land, and the petitioners' are claiming illegal ownership over the same, it is for the respondent/Government to take appropriate action against the petitioners in the manner known to law. Therefore, the refusal made by the first respondent by merely stating that the subject property is a Government Poramboke Land alone is not sufficient.

5.3 So far as the second stand taken by the first respondent for such issuance of impugned Refusal Check Slip that the Will dated 22.01.2024 is an unregistered Will is concerned, this Court would like to



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point out that admittedly, the Will was executed in respect of a property situated in Erode District and under the Registration Act, the law does not mandates compulsory registration of a Will and for probation of a Will only in respect of properties situated in places other than Metropolitan Area. Hence, in the present case, refusal made by the first respondent on the ground of non-registration of the Will dated 22.01.2024 is also unsustainable. Thus, this Court is of the view that the first respondent without considering all the aforesaid aspects in a proper perspective, committed a fault in the decision making process and refused to register the settlement deed presented by the petitioners for registration vide impugned Refusal Check Slip dated 26.07.2025, and hence, this Court is inclined to set aside the same.

6. Accordingly, this Court is inclined to pass/issue the following orders/direction:-

i) The impugned refusal check slip issued by the first respondent dated 26.07.2025 is set aside.



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ii) Consequently, the first respondent is directed to register the settlement deed as and when the same is re-presented for registration forthwith without any further delay.

7. In the result, the Writ Petition is allowed on the aforesaid terms. No costs.

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Index : Yes/No
Internet : yes/no

To

1. The Sub-Registrar,
Office of the Sub-Registrar,
Sathyamangalam, Erode District.
2. The Tahsildhar
Sathyamangalam, Erode District.

Krishnan Ramasamy,J.,



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