



W.P.No.38198 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.10.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.38198 of 2025

T.R.Dhayanithi

... Petitioner

Vs.

The Sub-Registrar,
Ambattur Sub-Registrar Office,
Ambattur, Chennai – 600 053.

... Respondent

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 check slip in Refusal Number: RFL/AMBATTUR/27/2025 by the respondent dated 14.08.2025 and quash the same as illegal and ultra virus and consequently direct the respondent to register and release the Settlement Deed dated 14.08.2025 presented by the petitioner.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.Abishek Murthy,
Government Advocate



W.P.No.38198 of 2025

ORDER

The relief sought for in this writ petition is to call for the records relating to the impugned check slip in Refusal Number: RFL/AMBATTUR/27/2025 by the respondent dated 14.08.2025 and quash the same as illegal and ultra virus and consequently direct the respondent to register and release the Settlement Deed dated 14.08.2025 presented by the petitioner.

2. Mr.Abishek Murthy, learned Government Advocate takes notice on behalf of the respondent. By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

3. Learned counsel for the petitioner submitted that in the present case, the petitioner's sister, who is not having any legal heirs including husband executed a unregistered will dated 16.02.2021 in favour of his brother, who is none other than the petitioner. Thereafter, she died on 05.06.2024. Under these circumstances, the petitioner intend to execute settlement deed in favour of his wife, based on the will executed by his



W.P.No.38198 of 2025

sister dated 16.02.2021. However, the respondent refused to register the same citing the reason that the will is not registered yet and patta was also not in the name of the petitioner's sister.

4. Learned counsel for the petitioner further submitted that the will was executed in the jurisdiction of Avadi. So, if the will is executed in the Metropolitan area, it is mandatory to register the will. However, Avadi is not coming under the Metropolitan Area. Hence, he prayed this Court that direction may be issued to the respondent to register the settlement deed.

5. Learned Government Advocate appearing for the respondent would submit that if the will was executed outside the metropolitan area, the petitioner's case will be considered and appropriate orders would be passed by the respondent.

6. Heard the learned counsel on either side and perused the materials available on record.



W.P.No.38198 of 2025

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7. In the present case, the will was executed within the jurisdiction of Avadi, which is not coming under the Metropolitan Area. If the said will is executed in the Metropolitan Area, it is mandatory to probate the will and the respondent can expect the petitioner to do the same. Further, this Court in plethora of cases has categorically held that, the refusals cannot be ordered automatically, merely because the Will was not probated. It is only applicable to the properties situated in the Metropolitan Area. In this regard, a detailed circular was also issued by the Inspector General of Registration, Chennai, in Circular No.22482/C1/2022, dated 12.07.2024, and in spite of the said circular, the authorities concerned had mechanically refused to register the document. Such view of the matter, the impugned order dated 14.08.2025 is liable to be set aside and accordingly, the same is set aside. Consequently, the respondent is directed to register the settlement deed dated 14.08.2025, immediately upon the re-presentation of the same by the petitioner.

In the result, this writ petition stands disposed of. No costs.



W.P.No.38198 of 2025

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10.10.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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To

The Sub-Registrar,
Ambattur Sub-Registrar Office,
Ambattur, Chennai – 600 053.

KRISHNAN RAMASAMY.J.,

5/6



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W.P.No.38198 of 2025

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W.P.No.38198 of 2025

10.10.2025