



W.P.No.37309 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.37309 of 2025

Papayee

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Petitioner

Vs.

1. The Inspector General Of Registration,
Registration Department,
Government Of Tamil Nadu,
Santhome,
Chennai-600 004.

2.The Sub-Registrar,
Ayothiyapattinam,
Sub Registration Office,
Salem, Salem District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned refusal order dated 22.09.2025 in Refusal No.RFL/ Ayothiyapattinam/ 96/ 2025 passed by the 2nd respondent and quash the same, consequently direct the 2nd respondent to register the Settlement Deed of the petitioner dated 22.09.2025 for its registration forthwith.



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For Petitioner : Mr.R.Elavarasan

For Respondents : Mr.P.Harish
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 22.09.2025 in Refusal No.RFL/ Ayothiyapattinam/ 96/ 2025 passed by the 2nd respondent and to quash the same and consequently direct the 2nd respondent to register the Settlement Deed of the petitioner dated 22.09.2025 for its registration forthwith.

2. The learned counsel appearing for the petitioner would submit that the subject property originally belongs to Petitioner's father-in-law. He executed a Will in favour of the petitioner, who is his daughter-in-law and her sons. Therefore, the aforesaid Will came into effect after the death of the petitioner's father-in-law and after his death the petitioner and her sons became to be absolute owner of the property. Thereafter, the petitioner executed the release deed in favour of her sons on 22.09.2025 and when the same was presented for registration, the 2nd respondent vide



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the impugned Refusal Check Slip dated 22.09.2025, refused to register the same on the ground that the 'Will' executed by the petitioner's father-in-law in favour of the petitioner and her two sons is an unregistered Will.

2.1. Further, he would submit that since the petitioner's husband predeceased her father-in-law, he executed a Will in favour of the Petitioner and her two sons. After the death of the petitioner's father-in-law, the petitioner obtained patta with respect to the subject property in her favour and in favour of her two sons after producing the aforesaid Will and therefore when the patta stands in the name of the petitioner and her two sons, who are the absolute owners of the subject property, the 2nd respondent ought not to have refused to register the Release deed.

3. The learned Government Advocate appearing for the respondents would submit that since the 'Will' executed by the petitioner's father-in-law in favour of the petitioner and her two sons is an unregistered one, they failed to register the Release Deed. However, he would submit that as on date, the respondents have not received any objection from any person for registration of the Release Deed presented by the petitioner. He



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therefore prays for appropriate orders.

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4. Heard both sides. Perused the records.

5. In the present case, admittedly the aforesaid Will is an unregistered Will. It appears that since the petitioner's husband predeceased her father-in-law, the petitioner's father-in-law executed the Will in favour of the petitioner who is his daughter-in-law as well as his grand sons. After the death of the Petitioner's father-in-law patta was also obtained by the petitioner in favour of the petitioner and her sons, with respect to subject properties. Such being the case, there is no impediment for the 3rd respondent to register the Release Deed executed by the petitioner in favour of her two sons.

6. In such view of the matter, this Court is inclined to set aside the Refusal Check Slip dated 22.09.2025, issued by the 2nd respondent. Accordingly the same is set aside. The 2nd respondent is directed to register the Release Deed dated 22.09.2025, immediately upon the representation of the same by the petitioner, if it is otherwise in order.



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With the aforesaid directions, this writ petition is disposed of. No costs.

04.11.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1. The Inspector General Of Registration,
Registration Department,
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Santhome,
Chennai-600 004.

2.The Sub-Registrar,
Ayothiyapattinam,
Sub Registration Office,
Salem, Salem District.

KRISHNAN RAMASAMY.J.,

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