



W.P.No.39647 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.39647 of 2025

K.Elango

... Petitioner

Vs.

1. The District Registrar
Salem District, Salem.

2. The Sub Registrar
Edapadi, Salem District.

... Respondents

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 order made in Refusal Check Slip No.RFL/Edapadi/63/2025 dated 11.09.2025, passed by the 2nd respondent, quash the same and consequently direct the 2nd Respdnt to Register the settlement deed dated 10.09.2025 presented by the petitioner for compulsory registration in accordance with the provisions of the Indian Registration Act, 1908

For Petitioner : Mr.A.Saravanan



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For Respondent : Mr.U.Baranidharan, SGP

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to consider and dispose of the petitioners representation dated 25.08.2025.

2. Mr.U.Baranidharan, learned Special Government Pleader, takes notice on behalf of the respondents.

3. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

4. The learned counsel for the petitioner would submit that in this case, initially, the petitioner's mother had acquired the subject property vide sale deed dated 31.03.1999. Though the petitioner's mother had two legal heirs, viz., petitioner and his sister-Sudha, she executed an unregistered Will dated 09.02.2023, pertaining to the subject property, only in favour of the petitioner. After the demise of his mother, the



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petitioner executed a settlement deed dated 10.09.2025 for the very same property in favour of his wife. When he presented the said settlement deed for the purpose of registration, the 2nd respondent had refused to register the same and issued a refusal check slip dated 11.09.2025. Hence, this petition.

5. In reply, the learned Special Government Pleader appearing for the respondent would submit that in this case, based on the unregistered Will dated 09.02.2023, the petitioner had made an attempt to settle the subject property in favour of his wife. However, since the petitioner is having a sister, the registration of the settlement deed will be considered only after issuing notice to the petitioner's sister/Sudha. Hence, he requests this Court to pass appropriate orders.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and also perused the materials available on record.

7. In the case on hand, initially, the petitioner's mother had



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acquired the subject property vide sale deed dated 31.03.1999. Though, the petitioner's mother had two legal heirs, viz., petitioner and his sister- Sudha, she executed an unregistered Will dated 09.02.2023, pertaining to the subject property, only in favour of the petitioner. After the demise of his mother, the petitioner executed a settlement deed dated 10.09.2025 for the very same property in favour of his wife. When he presented the said settlement deed for the purpose of registration, the 2nd respondent had refused to register the same and issued a refusal check slip dated 11.09.2025.

8. As rightly contended by the respondent, since the settlement deed was executed by the petitioner based on an unregistered Will, it would be appropriate to issue notice to the petitioner's sister prior to the execution of settlement deed dated 10.09.2025. In such view of the matter, this Court is inclined to set aside the impugned refusal check slip issued by the 2nd respondent.

9. Accordingly, the impugned check slip dated 11.09.2025 is hereby set aside. Upon re-presentation of the petitioner's settlement deed



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dated 10.09.2025, the respondent is directed to issue notice to the petitioner's sister, namely Sudha, and decide with regard to the registration of the said settlement deed on merits after hearing the parties concerned and in accordance with law.

10. In the result, this writ petition is allowed. No cost.

24.10.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

1. The District Registrar
Salem District, Salem.

2. The Sub Registrar
Edapadi, Salem District.



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KRISHNAN RAMASAMY.J.,

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