



WEB COPY



W.P.No.39515 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.39515 of 2025

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Petitioner

Vs.

1. The Inspector General of
Registration,
O/o. The Inspector General of
Registration,
Santhome High Road,
Chennai.

2. The District Registrar,
O/o. District Registrar Office,
Erode District,
Erode.

3. The Sub Registrar,
Sub Registrar Office,
Nambiyur,
Erode District.

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Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India,
for issuance of Writ of Certiorarified Mandamus to call for the records
pertaining to the impugned refusal check slip in RFL/ Nambiyur/ 15/



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2025 dated - 13.05.2025 issued by the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent to accept and register the Partition deed document dated 13.05.2025 presented by the petitioner.

For Petitioner : Mr.S.Sengkodi
For Respondents : Mr.P.Harish
Government Advocate

ORDER

The challenge in this Writ Petition is to the refusal check slip in RFL/ Nambiyur/ 15/ 2025 dated - 13.05.2025 issued by the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent to accept and register the Partition deed document dated 13.05.2025 presented by the petitioner.

2. The learned counsel for the petitioner would submit that the Petitioner's grand mother namely Pokkiyammal is the absolute owner of the subject property. During her life time, she executed a Will dated 18.05.2025 in favour of his son viz., Arunachalam, who is the father of the petitioner. Thereafter, the petitioner's grandmother died on 03.07.2004 and the aforesaid Will came into force from the date of her death. Thereafter, the petitioner's father died on 01.11.2016 leaving



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behind the petitioner, his mother and his sister as his legal heirs.

Thereafter, they decided to settle the subject properties among them, for which they executed a Settlement Deed dated 15.10.2025 and when the same was presented before the 3rd respondent the 3rd respondent refused to register the same on the ground that the Will presented by the petitioner is an unregistered one and that apart the name of the petitioner, his mother and his sister were not mentioned in the patta and therefore the Settlement Deed produced by the petitioner could not be registered as per Rule 55-A of the Registration Rules.

3.1. It is also submitted by the learned counsel for the petitioner that when Section 55-A(i) of the Tamil Nadu Registration Act, 1908 was struck off by the Hon'ble Supreme Court in the case of ***Gopi Vs. State of Tamil Nadu***, reported in **2025 (2) CTC 777**, the impugned Refusal Slip issued by the 3rd respondent based on the aforesaid provision is not sustainable.

4. The Government Advocate appearing for the respondent



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submitted that since Section 55-A(i) of the Act has been struck off, by the Hon'ble Supreme Court, the Refusal Slip issued by the 3rd respondent is not sustainable.

5. Heard both sides. Perused the records.

6. As rightly contended by the learned counsel for the petitioner that when Section 55-A(i) of the Act was struck off by the Hon'ble Supreme Court, the Refusal Slip issued by the 3rd respondent based on the aforesaid provision is not sustainable. Hence, this Court is inclined to set aside the Refusal Slip issued by the 3rd respondent dated 13.05.2025.

6. Accordingly, the Refusal Slip dated 13.05.2025 is set aside. The 3rd Respondent is directed to register the Settlement Deed dated 13.05.2025, immediately upon the re-presentation of the same by the petitioner, if it is otherwise in order.

7. In the result, this Writ Petition is allowed. No costs.



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Index: Yes/No

Internet: Yes

To

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O/o. District Registrar Office,
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KRISHNAN RAMASAMY, J.

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