



W.P.No.42572 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.42572 of 2025

T.E.Ekambaram

... Petitioner

Vs.

The Sub Registrar,
O/o the Sub Registrar,
Uthukottai,
Thiruvallur District.

... Respondent

PRAYER: Writ Petitions filed under Article 226 of Constitution of India, for issuance of Writ of Mandamus directing the respondent to register the settlement deed dated 24.09.2025 executed by the petitioner based on the unregistered WILL dated 24.06.2004 in petitioner's favour.

For Petitioner : Mr.S.S.Swaminathan

For Respondent : Mr.M.S.Arasakumar,
Government Advocate

ORDER

This writ petition has been filed to direct the respondent to register the settlement deed dated 24.0.2025 executed by the petitioner based on



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the unregistered WILL dated 24.06.2004 in petitioner's favour.

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2. Mr.M.S.Arasakumar, learned Government Advocate takes notice on behalf of the respondent. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. Learned counsel for the petitioner submitted that the agricultural land in S.No.143 to an extent of 0.44 cents belongs to petitioner's father. Thereafter, the petitioner's father executed a Will dated 24.06.2004 in favour of petitioner in respect of aforesaid property and died on 25.01.2010. Subsequently, the petitioner decided to bequeath the said property by executing a settlement deed in favour of his two sons. Accordingly, the same was executed on 24.09.2025. When the said deed was presented for registration, the respondent refused to register the same, citing the reason that the aforesaid Will is an unregistered Will. Aggrieved over the same, the petitioner has come forward with the present writ petition.

4. Learned Government Advocate appearing for the respondent



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submitted that in the event the petitioner is producing the original Will, the respondent will consider and register the same in accordance with law.

5. In reply to the aforesaid submission, learned counsel for the petitioner submitted that the petitioner has already produced the original Will and Settlement Deed before the respondent.

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

7. In the case on hand, the petitioner has produced the original Will, hence, it is the duty of the respondent to proceed with the said document and register the same. In the event, the respondent suspect that it is a forged document, he can very well refuse to register the same. In this regard, it is pertinent to extract Section 22B of the Registration Act, 1908 and the same reads as follows:

“22-B. Refusal to register forged documents and other documents prohibited by law._ Notwithstanding anything contained in this Act, the registering officer shall refuse to register



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the following documents, namely:-

- (1) forged document;*
- (2) document relating to transaction, which is prohibited by any Central Act or State Act for the time being in force;*
- (3) document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority under any Central Act or State Act for the time being in force or any Court or Tribunal*
- (4) any other document as the State Government may, by notification, specify.”*

The reading of the above provision shows that the Registrar shall refuse to register the document, in the event the said document is a forged one. In the present case, if the registering authority suspects that the Will produced by the petitioner is a forged one, no doubt, he can very well issue notice to the siblings and verify on that aspect. If there is any dispute and obtained injunction/stay, the Registrar can defer the registration until they resolve the dispute.

8. However, in this case, no such exercise was made by the



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respondent before passing the refusal check slip. The right course would be the respondent is required to conduct an enquiry, if he has any doubt on the execution of Will by issuing appropriate notice to the other Legal heirs based on the Legal Heir certificate and thereafter, he has to take decision with regard to the registration of the settlement deed.

9. In the case on hand, thus, the process of registering the settlement deed, along with the Will, the respondent can very well issue notice to the siblings and thereafter take a decision for registration of settlement deed. In the event there is any suspicion, ofcourse, the Registrar cannot come to any conclusion and refer the matter to the Civil Court and once the disputes are resolved, thereafter, he can entertain the settlement deed for registration.

Accordingly, this writ petition stands disposed of. No costs.

11.11.2025

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order



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KRISHNAN RAMASAMY, J.

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To

The Sub Registrar,
O/o the Sub Registrar,
Uthukottai,
Thiruvallur District.

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