



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 43894 of 2025

Karunanidhi,
S/o.Mr.Chinnathambi, Muthanampatty,
Kadayampatti Post, Nadupatti, Omalur,
Salem District 636 351.

Petitioner(s)

Vs

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

2.The Sub-Registrar,
Sub-Registrar Office,
Kadaiyapatti, Salem District.

Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned refusal order dated 14.10.2025 in Refusal No. RFL/Kadayampatti/41/2025 passed by the 2nd respondent and quash the same,



consequently direct the 2nd respondent to register the sale deed of the petitioner dated 29.09.2025 for its registration forthwith.

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For Petitioner(s): Mr.M.R.Jothimanian
for Mr.M.R.Elavarasan

For Respondent: Mr.M.s.Arasakumar
Government Advocate

ORDER

This writ petition has been filed by the petitioner challenging the impugned refusal order dated 14.10.2025 in Refusal No. RFL/Kadayampatti/41/2025, passed by the 2nd respondent.

2.Mr.M.S.Arasakumar, learned Government Advocate takes notice on behalf of the respondents. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

3.Learned counsel appearing for the petitioner would submit that the petitioner owns a property in Survey No.561/4 to an extent of 1.76 acres



situated at Kanavaiputhur Village, Kadayampatti Taluk, Salem District and the same was acquired by the petitioner through unregistered Will dated 09.03.1993 executed by his father. While so, now the petitioner intend to sell the aforesaid property due to family circumstances and executed a sale deed dated 29.09.2025 and presented the same for registration on 14.10.2025. However, the 2nd respondent refused to register the same stating that the Will was not registered and the petitioner has to probate the Will.

4.He would further submit that an unregistered Will is not a bar for registration of property and the 2nd respondent can very well conduct an enquiry with other legal heirs of the petitioner's father regarding the Will and the petitioner has also furnished the legal heir certificate before the 2nd respondent. However, without conducting any enquiry the 2nd respondent issued the impugned refusal check slip. Hence, the present writ petition has been filed.

5.Learned Government Advocate appearing for the respondents would fairly submit that an un-registered Will is not a bar for registration of the



property since the property situated at Salem District i.e other than the Metropolitan City. Since the genuineness of the Will is not known, the 2nd respondent would have asked the petitioner to probate the Will. Further, he prayed to direct the 2nd respondent to conduct enquiry with the other legal heirs based on the legal heir certificate produced by the petitioner.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials available on records.

7. Considering the submissions made by either parties, it is evident that the 2nd respondent refused to register the sale deed presented by the petitioner on the ground that the Will dated 09.03.1993, through which the petitioner acquired the subject property is an un-registered Will and the petitioner needs to probate the Will. However, upon hearing, this Court is of the view that, the law is settled to an extent that the probate of Will is not required when it was executed other than the Metropolitan City and therefore, the un-registered Will is not a bar for



registration of the property. Further, if the 2nd respondent had any doubt regarding the genuineness of the Will, he could have issued notice to other legal heirs of the petitioner's father based on the legal heir certificate furnished by the petitioner and conducted an enquiry. However, the 2nd respondent has failed to do such exercise and issued a refusal check slip, which is not a right course. Thus, the impugned refusal check slip is liable to be set aside.

8. Accordingly, the impugned refusal check slip dated 14.10.2025 is set aside and this Court directs the petitioner to re-present the sale deed 29.09.2025 before the 2nd respondent. Once it is re-presented, the 2nd respondent is directed to issue notice to the other legal heirs of the petitioner's father based on the legal heirs certificate produced by the petitioner, if he has any doubt regarding the genuineness of the Will dated 09.03.1993. After conducting an enquiry, the 2nd respondent is directed to take a decision regarding the registration of the sale deed dated 29.09.2025.



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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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1.The Inspector General Of Registration,
Registration Department,
Government Of Tamil Nadu, Santhome,
Chennai 600004.

2.The Sub-Registrar
Sub-Registrar Office, Kadaiyapatti,
Salem District.



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KRISHNAN RAMASAMY J.

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