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W.P.No.45018 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.45018 of 2025

Sudha

... Petitioner

Vs.

1.The District Registrar (South)
District Registrar's Office (South),
Singapore Plaza, Cross Cut Road,
Coimbatore – 641 012.

2.The Sub-Registrar, Madukarai
Sub-Registrar's Office,
Gandhi Nagar, Madukarai,
Coimbatore – 641 105.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned refusal check slip passed by the second respondent rejecting the Settlement deed submitted by the petitioner vide refusal number RFL/Madhukarai/53/2025 dated 25.10.2025, quash the same and consequently direct the second respondent to register the settlement deed presented by the petitioner on 25.10.2025.

For Petitioner : Ms.Preethikaa.R

For Respondents 1 & 2 : Mr.U.Baranidharan,
Special Government Pleader



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ORDER

This writ petition has been filed to call for the records pertaining to the impugned refusal check slip passed by the second respondent rejecting the Settlement deed submitted by the petitioner vide refusal number RFL/Madhukarai/53/2025 dated 25.10.2025, quash the same and consequently direct the second respondent to register the settlement deed presented by the petitioner on 25.10.2025.

2. Mr.U.Baranidharan, learned Special Government Pleader takes notice on behalf of respondents. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Learned counsel for the petitioner would submit that the property situated in S.F.Nos.348/1, 349/1 and 348/3A, Thondamuthur Village, Coimbatore District belongs to petitioner, having derived title under a Will dated 14.03.2025, executed by one Mr.S.Balakrishnan, who is the husband of petitioner's late sister Mrs.Sujatha. In order to settle the above Will-scheduled property in favour of petitioner's husband, the petitioner presented a settlement deed for registration. However, the second respondent refused to register the same by issuing a refusal check



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slip dated 14.03.2025 citing a reason that the genuineness of the Will can only be adjudicated by a Civil Court through the process of probate. Challenging the same, the petitioner has come forward with the present writ petition.

4. Learned Special Government Pleader appearing for the respondents would fairly submit that since the unregistered Will is not a bar for the respondents to register the settlement deed, this Court may set aside the impugned order and pass appropriate orders to register the same.

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

6. In the present case, based on the unregistered Will, the petitioner executed a settlement deed dated 25.10.2025 in favour of her husband. Since, it was an unregistered Will, the second respondent passed the impugned order by questioning the probate of the Will. In the event, 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 based

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on the legal heir certificate and verify on that aspect. If there is any dispute and obtained injunction/stay, the respondents can defer the registration until they resolve the dispute. However, in this case, no such exercise was made by the respondent before passing the refusal check slip. Moreover, objection was also not raised by any third party for registering the settlement deed.

7. In view of the above, I do not find any difficulty on the part of the second respondent to register the same. Such being the case, the impugned refusal check slip dated 14.03.2025 is liable to be set aside. Accordingly, the same is set aside. Consequently, this Court directs the respondents to register the settlement deed, immediately upon re-presentation of the same by the petitioner or if it is otherwise in order.

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

20.11.2025

vm

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order



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KRISHNAN RAMASAMY, J.

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