



WEB COPY



W.P.No.45813 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM:

**THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY**

**W.P.No.45813 of 2025**

S.Cecily

... Petitioner

Vs.

The Sub-Registrar,  
Kodambakkam,  
Chennai – 600 024.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, for issuance of Writ of Mandamus directing the respondent to entertain the petitioner's Will dated 16.07.2024 duly notarized and register it in accordance to law without insisting probate order of the petitioner's mother will dated 03.10.1974 and the Legal Heriship Certificate of the petitioner's deceased brother S.James Arul.

For Petitioner : Mr.C.S.Guruprasad

For Respondent : Mr.U.Baranidharan,  
Special Government Pleader



W.P.No.45813 of 2025

## **ORDER**

This writ petition has been filed to direct the respondent to entertain the petitioner's Will dated 16.07.2024 duly notarized and register it in accordance to law without insisting probate order of the petitioner's mother will dated 03.10.1974 and the Legal Heriship Certificate of the petitioner's deceased brother S.James Arul.

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

3. Learned counsel for the petitioner submitted that the petitioner's mother purchased the property being the House, Ground and Premises bearing Old Plot No.37, Thiruvengadam Colony, now known as No:29/13, Thiruvengadapuram 1<sup>st</sup> street, Choolaimedu, Chennai – 600 094, by a registered Deed of Sale dated 25.10.1969. She bequeathed the same in favour of petitioner and her two siblings by a Will dated 03.10.1974 and died on 05.08.2001. Upon the death of her mother and two siblings (one sister and one brother), the petitioner become the sole and absolute owner of the said property. Under these circumstances, the petitioner executed a Will dated 16.07.2024 by bequeathing the said

*Page 2 of 5*



*W.P.No.45813 of 2025*

property to one Mr.S.D.John Britto Chandra Bose and presented the same for registration. However, the respondent refused to register the same, citing the reason that the earlier Will dated 03.10.1974, which was executed by petitioner's mother was not probated and to produce the legal heirship certificate of petitioner's deceased brother. Hence, the petitioner has come forward with the present writ petition.

4. Learned Special Government Pleader appearing for the respondents would fairly submit that in the event, the petitioner re-present the Will dated 16.07.2024, the same will be considered in accordance with law and if it is otherwise in order, the same will be registered.

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

6. In the present case, the petitioner has presented the Will dated 16.07.2024 for registration and the same was refused to register by the respondent, citing the reason that the Will dated 03.10.1974, which was executed by petitioner's mother was not probated. If at all there is any consequential attachments in the said Will, it is for the petitioner and other persons to face the consequences. Therefore, mere non-probation



W.P.No.45813 of 2025

of the Will is not a bar for the petitioner to register the further Will dated 16.07.2024. Such being the case, this Court does not find any impediments for the respondent to register the aforesaid Will 16.07.2024.

7. In view of the above foregoing reason, this Court directs the respondent to register the Will dated 16.07.2024, upon the re-presentation of the same by the petitioner or if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order.

With the aforesaid direction, this writ petition stands disposed of.

No costs.

**27.11.2025**

vm

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order

To

The Sub-Registrar,  
Kodambakkam,  
Chennai – 600 024.



WEB COPY



*W.P.No.45813 of 2025*

**KRISHNAN RAMASAMY, J.**

vm

**W.P.No.45813 of 2025**

**27.11.2025**