



W.P.No.47689 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

**THE HONOURABLE MR JUSTICE SENTHILKUMAR
RAMAMOORTHY**

WP No. 47689 of 2025

Tmt.Shanmugavalli,
W/o.Shankar,
No.23, Vadavandai Street,
Sembedu madura,
Guruvarajapettai Village,
Arakkonam Taluk and Post,
Ranipet District.

Petitioner(s)

Vs

1. The Sub Registrar,
Office of Sub-Registrar,
Arakkonam,
Ranipet District.

Respondent(s)

1/5



W.P.No.47689 of 2025

WEB COPY

PRAYER: This writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondent in check slip No.RFL/Arakkonam/43/2025 dated 09.10.2025 and quash the same and direct the respondent to receive the WILL dated 21.09.2023 presented by the petitioner on 09.10.2025 and the register the same.

For Petitioner : Mr.G.Jermiah

For Respondent : Mr.U.Baranidharan, Spl.G.P.

The petitioner's brother had executed a Will on 21.09.2023 in favour of the petitioner. He passed away on 03.10.2023. The petitioner presented the Will for registration on 09.10.2025, but the registering officer refused to register the Will. The said order is impugned herein.

2. Learned counsel for the petitioner relies upon earlier order of the Madurai Bench of this Court in *R.Vellaisamy v. The Inspector General of*
2/5



W.P.No.47689 of 2025

Registration and Others, order dated 09.09.2021 in W.P.(MD) No.15950 of

WEB COPY

2021. He submits that it was held therein that there is no time limit for the registration of the Will because Section 23 of the Registration Act is made expressly inapplicable to a Will.

3. Learned Special Government Pleader accepts notice for the respondent. He submits that the matter may be remanded for reconsideration.

4. On perusal of the impugned order, it is noticeable that the Sub Registrar took note of the death of the testator and recorded that there is no provision for considering the registration of the Will. The Registration Act provides for the registration of a Will after the death of the testator provided such request satisfies the requirements of Sections 40 and 41 of the Registration Act. In view thereof, the order of refusal cannot be sustained and is hereby set aside.



W.P.No.47689 of 2025

WEB COPY

5. As a corollary, the petitioner is permitted to re-present the Will for registration. Such request shall be considered in terms of Sections 40 and 41 of the Registration Act read with the Rules set out in Chapter XIII of the Tamil Nadu Registration Rules. A decision shall be made within two weeks from the date of re-presentation of the Will. No costs.

09.12.2025

Index : Yes/No

Internet : Yes/No

Neutral Citation: Yes/No

kal



WEB COPY



W.P.No.47689 of 2025

SENTHILKUMAR RAMAMOORTHY J.

kal

To

1. The Sub Registrar,
Office of Sub-Registrar,
Arakkonam,
Ranipet District.

WP No. 47689 of 2025

09.12.2025

5/5