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WA No. 3907 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 3907 of 2025
AND CMP NO. 31838 OF 2025**

Manikandan Swamy
S/o. Swamy, 25/13, Rathnam St,
Gopalapuram, Chennai 086.

..Appellant

Vs

1. V. Sriram
S/o. Venkatnarayanan, No.50, Venugopalsami Koil
St, Sathyamangalam Town and Taluk,
Erode District 638 401.
2. S. Abitha
W/o. V. Sriram, No.50, Venugopalsami Koil St,
Sathyamangalam Town,
Sathyamangalam Taluk, Erode 638 401.
3. The Sub Registrar
Office of the Sub Registrar,
Sathyamangalam, Erode District.
4. The Tahsildar
Sathyamangalam, Erode District.

..Respondents

Prayer: Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 12.11.2025 passed in WP No.33242 of 2025.



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For Appellant :

Mr.R.Subramanian
for Mr.B.Ravi

For Respondents :

Ms.Akila Rajendran
for RR 3 and 4

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order dated 12.11.2025 passed by the Writ Court in WP No.33242 of 2025.

2. Before the Writ Court, the respondents 1 and 2 herein had sought for a writ of Certiorarified Mandamus to quash the Refusal Check Slip dated 26.07.2025 issued by the third respondent ie., Sub Registrar, Sathyamangalam, Erode District, whereby he refused to register a settlement deed dated 26.07.2025 presented by the respondents 1 and 2 for registration without insisting the production of original parent documents.

3. The short facts that are required for disposal of this writ petition is that, one D.Vasanth was the owner of the land property, where a house has been constructed in Natham land. She was a spinster and had no legal heirs. During her advanced years of age, she was looked after by the present respondents 1 and 2 ie., the writ petitioners and due to love and affection, on 22.01.2024, the said Vasanth executed a Will in favour of the present respondents 1 and 2 and thereafter on 05.05.2024 the said Vasanth demised.



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4. Therefore, on the strength of the said Will, the respondents 1 and 2 / writ petitioners wanted to make a settlement of the said property in favour of their son one S.S.Madhusudan Ram. That was the settlement deed dated 26.07.2025. When the same was presented for registration before the third respondent / Sub Registrar, Sathyamangalam, Erode District, the same was refused to be registered by issuing a refusal check slip dated 26.07.2025 on two grounds.

5. The first ground stated by the Sub Registrar was that, the property is a Government Poramboke land. Therefore, unless the parent document or title deed is produced by the respondents 1 and 2, the settlement deed cannot be registered. The second objection raised by the Sub Registrar was that, the Will under which only the title was claimed by respondents 1 and 2 to register the settlement deed has not been registered under the provisions of the Registration Act.

6. On these two grounds since the refusal check slip was issued, which was impugned before the Writ Court, the Writ Court having gone into these two grounds, has given its reasons as to why the two reasons stated by the Sub Registrar would not be sustained in the eye of law.

7. Insofar as the first ground that it is a Government Poramboke land is concerned, the learned Judge has recorded in the impugned order that the 'A'



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Register had been called for and verified, where it is specifically mentioned that it is a Natham Poramboke land and it is not a Government Poramboke land.

8. There is a vast difference between Natham Poramboke and Government Poramboke. If it is a Government Poramboke land, no construction can be permitted and if it is a Natham Poramboke, it is meant for construction of dwelling house and household usage in village and country side, where the persons who are holding possession of the Natham Poramboke land would get assignment or Patta. Therefore, the first reason given by the Sub Registrar was considered to be non-est and therefore the learned Judge brushed aside the said reason.

9. Insofar as the second reason that the Will has not been registered under the provisions of the Registration Act is concerned, a Will is not compulsorily registrable document and registration being an optional one, on that ground there cannot be any refusal to register the settlement deed.

10. Therefore, since both the reasons were found to be unsustainable, the learned Judge quashed the refusal check slip dated 26.07.2025 and gave a direction to the Sub Registrar, Sathyamangalam to register the settlement deed presented by the respondents 1 and 2.



11. The present appellant claimed to be a third party ie., Class II legal heir of the said deceased Vasantha contends that if any Will has been executed, when there is no Class I legal heir certainly the property in question would devolve on the present appellant who is the Class II legal heir. Learned counsel for the appellant also submits that in this context, an Original Petition has also been filed before the Civil Court, where notice has been ordered. When that being so, at this juncture based on the Will bequeathed on 22.01.2024, no right can be claimed by the writ petitioners.

12. We have also heard the learned Government Advocate appearing for the official respondents.

13. We are not impressed with the submissions made by the learned counsel for the appellant for the simple reason that, insofar as the Will bequeathed by the deceased Vasantha is concerned, she did not have any direct legal heir or Class I legal heir and due to love and affection showered on her during her lifetime at the advanced years of age, the said Vasantha bequeathed the Will in favour of respondents 1 and 2 on 22.01.2024. Thereafter, only on 05.05.2024 the said Vasantha demised. Therefore, the said Will pertains to the property located outside the metropolitan jurisdiction of Chennai need not be probated. Moreover, as per the provisions of the Registration Act, as held by the learned Single Judge, a Will is not a compulsorily registrable document.



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14. Insofar as the other objection raised with regard to the nature of the property by the Sub Registrar is concerned, even the Sub Registrar has not filed any appeal against that portion of the order before this Court. That itself shows that the view taken by the learned Judge that the property is a Natham Poramboke for which ownership can be claimed by anyone on the ground that he / she has been in possession by constructing a dwelling house is correct. Since the said reason assigned by the learned Judge while passing the impugned order has been accepted by the official respondents without filing any appeal, the said contention is no longer available to them now.

15. There was every justification in the learned Judge setting aside the impugned refusal check slip. Merely because a proceedings has been initiated by the appellant questioning the Will or otherwise would not *ipso facto* entitle him to file the present appeal seeking any claim over the property as there has been no title flowing in favour of the appellant as of now and ultimately if he succeeds in his attempt before the Civil Court with regard to the title over the property, it is open to him to re-agitate the issue to get back the property concerned either from the present respondents 1 and 2 or the person in whose favour the settlement deed is going to be registered. As on today, the appellant since has no title over the property, he cannot put any spokes on the orders that has been passed by the Writ Court to register the settlement deed presented by the respondents 1 and 2.



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16. In that view of the matter, this writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, this order shall not be considered as a seal of approval for the Will or title over the property in favour of respondents 1 and 2 which has to be decided on its own merits by the competent civil Court, if it is initiated by the parties like the appellant or any other claimant.

(R.S.K.,J.) (S.S.A.,J.)
18-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

To

1. The Sub Registrar
Office of the Sub Registrar,
Sathyamangalam, Erode District.
2. The Tahsildar
Sathyamangalam,
Erode District.



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