



W.P.(MD)No.2969 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.2969 of 2025

A.Krishnan

... Petitioner

/Vs./

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Office of the District Registrar,
Nagercoil.

3. The Sub Registrar,
Kottaram Sub Registrar Office,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to Impugned Refusal Check Slip in RFL/Kottaram/176/2024 dated 05.12.2024 issued by the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent herein to register and release the Sale Deed vide Temporary No.TP/203019898/2024 within the time frame as fixed by this Court.



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For Petitioner : Mr.VB.Sundhareshwar
For Respondents : Mr.D.Sadiq Raja,
Addl. Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the third respondent dated 05.12.2024 thereby refused to register the sale deed which was presented for registration on the ground that no original parent document has been produced and the will which the petitioner is claiming title over the subject property is not probated.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The property comprised in S.No.670/28C, situated at Anjugramam Village, previously Alagappapuram Village, Agastheeswaram Taluk, Kanyakumari District, belonged to one Gnannammal. In turn, she had executed the sale deed in favour of the



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petitioner's parental uncle, Chellaiah, on 07.07.1989, vide document No. 1533/89. In turn, the said Chellaiah had executed a will in favour of the petitioner on 15.04.2009. Subsequently, he died on 17.11.2009. On the strength of the said will, the petitioner had executed the settlement deed in favour of his wife on 05.12.2024 and presented the same for registration. The third respondent refused to register the same on the ground that the will is not probated and the original parent document registered vide document No.1533/89 was not produced.

4. Though the registering authority cannot insist to produce the original parent document, since the petitioner claims title over the subject property through the will, the will has to be acted upon, after demise of the executant. After demise of the petitioner's parental uncle, no revenue documents have been mutated in favour of the petitioner on the basis of the will dated 15.04.2009. Therefore, after mutation of the revenue records in favour of the petitioner in respect of the subject property based on the will, the petitioner can very well present the settlement deed for registration.



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5. In view of the above, this Court finds no infirmity or illegality in the impugned refusal check slip issued by the third respondent. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to represent the settlement deed for registration after mutation of revenue records in respect of the subject properties on the basis of the will dated 15.04.2009. There shall be no order as to costs.

31.01.2025

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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