



W.P.(MD) No.3501 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3501 of 2025

and

W.M.P.(MD)No.2486 and 2488 of 2025

K.Vigneshwaran

... Petitioner

Vs

The Sub Registrar,
The Office of the Sub Registrar Office,
Marudhanadakuruchi,
Woraiyur - 620017,
Tiruchirappalli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned check slip, dated 03.12.2024 on the file of the Respondent and quash the same in respect of the petitioner, directing the respondent to register the sale deed based on the unregistered will and other relevant documents.



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For Petitioner : Mr.FR.S.Savarimuthu
for Father Xavier Associates,
For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The petitioner seeks issuance of Writ of Certiorari to quash the refusal check slip issued by the sole respondent.

2.The property situated at S.Nos.95/8, 95/6, 95/7, 95/11, 95/12 and 95/13 belong to one Ammaponnu. The petitioner claims that she has purchased the property between the year 1971 and 1977.

3.Ammaponnu is said to have no children. Hence, her husband Thangaraj married her sister Ayinal. From the wedlock between Thangaraj and Ayinal, a son was born to them by name Kannan. This Kannan is none else the father of the writ petitioner. Ammaponnu had executed a document, dated 23.07.2013 bequeathing the property in favour of the writ petitioner that is the grandson of her sister and her husband. Ammaponnu passed away on 04.04.2021. The petitioner



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having succeeded the estate, decided to sell the property in favour of one Malathi. The document was presented for registration but it was not registered by the Sub Registrar stating that the Will is an unregistered Will and it cannot be proved in the eye of law. Hence the writ petition.

4.Heard Mr.FR.S.Savarimuthu, learned Counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondent.

5.It is not the role of the Sub Registrar to act as a civil Court. Whether the Will is true or not, it is a matter which has to be decided by the civil Court, in case a dispute arises. Here is a case where the revenue records stand in the name of Ammaponnu and the petitioner claims Ammaponnu had executed a Will in his favour and that Will has been executed outside the territorial limits of the city of Chennai therefore, it does not require any registration or probation. That being the position, the refusal of the Sub Registrar on the ground that the Will is unregistered, seems to be an order as if he is granting a decree of the dismissal. The Registration Act does not contemplate examination of



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witnesses in order to prove the Will before the Sub Registrar. That being the position of law, I am not able to sustain the impugned order and the same is set aside.

6. Accordingly, this writ petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed. The respondent shall register the document presented by the writ petitioner on 03.12.2024, within a period of two weeks, from today.

7. Call the matter after two weeks, for reporting compliance.

07.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

LR

To

The Sub Registrar,
The Office of the Sub Registrar Office,
Marudhanadakuruchi,
Woraiyur - 620017, Tiruchirappalli District.



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V. LAKSHMINARAYANAN, J.

LR

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