

W.P.(MD).No.4038 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.4038 of 2025

V.Ratheesh Kannan

.. Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Udankudi,
Thoothukudi District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the entire records pertaining to the refusal check slip made by the respondent vide Refusal Number.RFL/உட்குடி/17/2025 dated 07.02.2025 and quash the same and consequently direct him to register the sale deed uploaded on 07.02.2025 in respect of the property in Resurvey No.211/1A, Chettiapathu Village, Udankudi, Thoothukudi District.

For Petitioner : Ms.V.Moushica

For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader



W.P.(MD).No.4038 of 2025

WEB COPY

ORDER

The Writ Petition is filed challenging the impugned refusal checkslip passed by the respondent in Refusal Number.RFL/உடன்குடி/17/2025 dated 07.02.2025 and consequently, direct him to register the sale deed uploaded on 07.02.2025 in respect of the property in Resurvey No.211/1A, Chettiapathu Village, Udankudi, Thoothukudi District.

2. The petitioner claims that the property situated in Resurvey No.211/1A, Chettiapathu Village, Udankudi, Thoothukudi District belonged to one Janakiammal. Janakiammal had purchased the property by way of a registered sale deed on 17.07.1978 in Document No.989/1978. The said Janakiammal had two sons, namely, Kathiresan and Suresh and both of them had predeceased her. Kathiresan has two daughters, who the petitioner states, are well settled.

3. The petitioner pleads as he was taking care of Janakiammal post the death of her sons, out of natural love and affection, she had executed a “WILL” on 03.11.2024, allotting the second item of the property in favour of the petitioner and one Kathirvel and the third item in favour of their family deity,



W.P.(MD).No.4038 of 2025

Esakkiamman Temple. The petitioner pleads that Janakiammal passed away on 09.11.2024. The petitioner alienated the property on 07.02.2025 and presented the document for registration. The respondent refused to register the document by issuing a refusal check slip. The reason given in the refusal check slip is that the “WILL” has not been certified as genuine by a Court exercising probate jurisdiction. Hence, this Writ Petition.

4. I heard Ms.V.Moushica for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondent.

5. The learned counsel for the petitioner reiterated the contentions made in the affidavit.

6. Mr.R.Suresh Kumar pointed out as the “WILL” has not yet been certified to be genuine by the Civil Court, the Sub Registrar has refused to register the document.

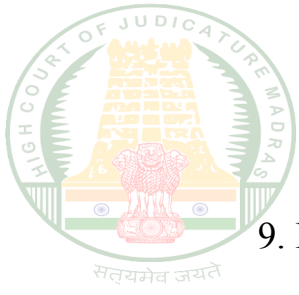
7. Under Rule 55 of the Registration Rules, it is not the business of the Sub Registrar to decide matters on title. The petitioner has produced a “WILL” of the title holder, Janakiammal. In case the legal heirs of Janakiammal have any



W.P.(MD).No.4038 of 2025

issues with the “WILL”, they can always approach the Civil Court and obtain appropriate remedies. The respondent need not trouble himself with issues, which should be rightly dealt with by a Civil Court. The property being outside the jurisdiction of the City of Madras and the “WILL” also having been written outside the City of Madras, it does not compulsorily require a probate. Probate of a “WILL” written by a Hindu outside the Presidency Town of Chennai is only optional. In any event, an order of Probate does not confer title. Therefore, legally as well as jurisdictionally, the impugned order suffers from infirmity. In fact, as very fairly pointed out by Mr.R.Suresh Kumar, I have taken a similar view in ***K.Vigneshwaran Vs. The Sub Registrar, Marudhanadakuruchi, Woraiyur, Tiruchirappalli District*** in ***W.P.(MD).No.3501 of 2025 dated 07.02.2025***.

8. In the light of the above discussion, the Writ Petition succeeds and the same stands allowed. The impugned order is quashed. There shall be a direction to the respondent to register the sale deed executed by the petitioner within a period of two (2) weeks from the date of uploading of this order to the website of this Court. There shall be no order as to costs.



W.P.(MD).No.4038 of 2025

9. Post the matter 'for reporting compliance' on 01.04.2025.

WEB COPY

11.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
The Sub Registrar,
Office of the Sub Registrar,
Udankudi,
Thoothukudi District.



WEB COPY



W.P.(MD).No.4038 of 2025

V.LAKSHMINARAYANAN,J.

Lm

W.P.(MD).No.4038 of 2025

11.03.2025