



W.P.(MD)No.3986 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.(MD)No.3986 of 2025

K.Ammakannu

... Petitioner

vs.

The Sub Registrar,
Registration Department,
Manapparai, Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned check slip in RFL/Manapparai/7/2025 dated 08.01.2025 issued by the respondent, quash the same and consequently direct the respondent to receive the settlement document executed by the petitioner in favour of her daughter, register the settlement deed dated 08.01.2025, release the document presented by the petitioner as per the Registration Act, 1908, within time frame.

For Petitioner : Mr.P.Raja
For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader



W.P.(MD)No.3986 of 2025

ORDER

WEB COPY

The petitioner states that the property situated in S.F.Nos. 137/1, 137/3, 137/5, 137/6, 137/7 and 137/8 of Kalladai Village, Kulithalai Taluk, Tiruchirappalli District, originally belonged to her husband, namely, Karuppudayar. He had secured the property by way of an registered settlement deed in Doc.No.183/1977, dated 07.02.1977. The said Karuppudayar executed an unregistered “WILL” in favour of the writ petitioner on 15.06.1993 bequeathing the property to her. It is alleged that Karuppudayar died on 25.01.1995 and on his death, the “WILL” has come into force.

2. The petitioner pleads that on the basis of the “WILL”, she mutated the revenue records in her name and she has been in possession and enjoyment of the same. In exercise of her ownership, she had also mortgaged the property in favour of one Vellaisamy on 29.05.2006, which is evidenced by a registered document in Doc.No. 1675 of 2006. A decade later, she also redeemed the mortgage, and redemption is also evidenced by the registered document in Doc.No. 1945 of 2016.



W.P.(MD)No.3986 of 2025

WEB.COM

3. The petitioner, in order to put her affairs in order during her lifetime, executed a settlement deed in favour of her daughter Rajeshwari. She executed the document on 08.01.2025 and presented it for registration before the respondent. The respondent by way of an impugned check slip, refused to register the document pointing out that the “WILL” of Karuppudayar is an unregistered one and no evidence has been let in before the Sub-Registrar to prove that the “WILL” is the last “WILL” and testament of Karuppudayar. Aggrieved over the same, the present writ petition.

4. I heard Mr.P.Raja for the writ petitioner and Mr.R.Sureshkumar, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

5. As per Rule 55 of the Registration Rule, it is not the business of the registering authorities to probe into the question of title. Whether the “WILL” is true and genuine, is a matter for the jurisdictional civil Court to decide, let not the Sub-Registrar decide to act as a civil Court or as a Court of probate. Even without a “WILL”, the petitioner being the wife of Karuppudayar is entitled to her share on his death. She is entitled to alienate even that share to any third



W.P.(MD)No.3986 of 2025

party, including her daughter. Furthermore, in exercise of her power of ownership, she had mortgaged the property and also redeemed the same, as it is clear from the two registered documents. The parties being the Hindus and “WILL” having been executed outside the city of Madras and for a property outside the city of Madras, probate is not mandatory. At best, it is optional. That being the position of law, the Writ Petition succeeds. Consequently, the impugned check slip in RFL/Manapparai/7/2025, dated 08.01.2025, issued by the respondent is hereby quashed. There shall be a direction to the respondent to register the settlement deed executed by the petitioner in favour of her daughter, Rajeshwari, within a period of two (2) weeks from the date of uploading of this order to the website of this Court.

6. In result, this Writ Petition is **allowed**. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

01.04.2025



W.P.(MD)No.3986 of 2025

WEB COPY

To

The Sub Registrar,
Registration Department,
Manapparai, Trichy District.



WEB COPY



W.P.(MD)No.3986 of 2025

V. LAKSHMINARAYANAN, J.

Rmk

W.P.(MD)No.3986 of 2025

01.04.2025