



W.P(MD)No.8035 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.8035 of 2025

Deepalakshmi

..Petitioner

Vs

1.The Sub Registrar,
Office of Sub Registrar,
Sanarpatti,
Dindigul District.

2.Leela
W/o Thiruppathi,
No.22, Ezhil Avenue,
Nagappa Nagar,
Dindigul District.

3.Sabitha
W/o Krishnamurthy
No.129, Panjasara
Block No.I,
M.T.H. Road,
Chennai.

(RR2 and 3 are suo motu impleaded as order dated 24.03.2025)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus to call for the



W.P(MD)No.8035 of 2025

records pertaining to the impugned Refusal Slip in Refusal Number.RFL/Sanarpatti/23/2025 dated 17.03.2025 issued by the respondent and quash the same as illegal and arbitrary and consequently direct the respondent to register the gift deed dated 15.03.2025 presented by the petitioner for registration within the time fixed by this Court.

For Petitioner : Mr.R.Suresh

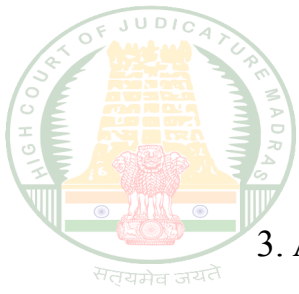
For Respondents : Mr.N.Ramesh Arumugam
Govt. Advocate (for R1)

Mr.R.Rajarajan (for R2 & R3)

ORDER

The petitioner seeks to quash the impugned Refusal Slip in Refusal Number.RFL/Sanarpatti/23/2025 dated 17.03.2025 issued by the respondent/Sub Registrar and direct the respondent to register the gift deed dated 15.03.2025 presented by the petitioner for registration.

2. When the matter was taken up for admission, Mr.R.Rajarajan appeared on video conferencing and stated that Mrs.Leela and Mrs.Sabitha, who are the mother and sister of the deceased, are proper and necessary parties to the writ petition.



W.P(MD)No.8035 of 2025

3. A perusal of the papers shows that the submission of Mr.R.Rajarajan is correct. Hence, they are suo motu impleaded as respondents 2 and 3 to the present writ petition.

4. The dispute in the writ petition is that a battle between the mother-in-law, namely, Mrs.Leela and the writ petitioner, Deepalakshmi, who is her daughter-in-law. Mrs.Leela had two children, namely, Suresh and Sabitha. Suresh married the writ petitioner and from the wedlock, a son, by name, Udit Narayanan was born to the couple.

5. The petitioner pleads that Suresh had purchased the property situated in S.No.783B/2A, 783B/2B and 783B/2C at Anjukulipatti Village, Dindigul East Taluk, Dindigul District, on 01.09.2020. The said purchase is reflected by way of a registered document in Doc. No.2146 of 2020. Unfortunately, soon after the purchase, Suresh passed away on 23.10.2022. He left behind as legal heirs, the writ petitioner, his son, Udit Narayanan, and his mother, the second respondent herein.

6. The petitioner pleads that on account of co-morbidities high blood pressure and diabetes, Suresh executed a “WILL” on 21.10.2022. The said



W.P(MD)No.8035 of 2025

“WILL” is an unregistered one. The petitioner pleads that in terms of the “WILL,” she became the absolute owner of the property. Out of natural love and affection, she executed a settlement deed in favour of her son, Udit Narayanan, on 15.03.2025, appointing herself as guardian for the minor. When the document was presented for registration, the first respondent has refused to receive the document, stating that the probate for the “WILL” dated 21.10.2022 has not been obtained and that it is barred under section 22A of the Registration Act. Hence, this writ petition.

7. Heard Mr.P.Suresh for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate, for the first respondent and Mr.R.Rajarajan for the respondents 2 and 3.

8. Mr.P.Suresh reiterated the contentions raised in the affidavit. He added that it is not the business of the first respondent to go into matters of title. He relies upon Rule 55 of the Registration Rules.

9. Per contra, Mr.R.Rajarajan urges that the petitioner has suppressed the fact that she has already moved the District Court, Dindigul, in O.P.No. 13/2025 seeking probate of the “WILL” dated 21.10.2022. He states that the



W.P(MD)No.8035 of 2025

second respondent has no objection to the release deed that has been executed

by the petitioner in favour of her grandson for the 2/3rd share, which the wife and daughter-in-law are entitled to, by virtue of the Hindu Succession Act. However, he pleads that the second respondent has serious objections over the execution of the gift deed for the entire property as sought by the writ petitioner. He adds that the second respondent has executed a settlement deed in favour of the third respondent, of her 1/3rd share, and the same is also registered on the file of the first respondent in Doc. No.2383/2025 dated 03.03.2025. Hence, he pleads that the writ petition should be dismissed for suppression of material facts and also on the ground that the petitioner has attempted to alienate more than what she is entitled to.

10. Mr.N.Ramesh Arumugam, appearing for the first respondent, urges that as there is a dispute between the petitioner and the respondents 2 and 3, and as the writ petitioner relies upon a “WILL,” the first respondent called upon the petitioner to produce a certificate of probate for the “WILL” dated 21.10.2022.

11. I have carefully considered the submissions of all sides.



W.P(MD)No.8035 of 2025

12. It is not in dispute that Suresh had purchased the property. The relationship between the petitioner and the respondents 2 and 3 and Udit Narayanan is also not in dispute. The writ petitioner pleads that she became the absolute owner of the property on account of the “WILL” executed by Suresh, in her favour. This “WILL” is disputed by Mr.R.Rajarajan on the ground that Suresh, when he passed away, was 37 years old and there was no necessity for him to execute such a document.

13. Whether the “WILL” is true or not is for the Principal District Judge to decide in the pending original petition.

14. Under Rule 55 of the Registration Rules, it has been clearly stated that it is not the duty of the Sub Registrar to enquire into the validity of the document brought to him for registration.

15. Furthermore, the “WILL” was not written for the property situated within the city of Chennai nor was it written in Chennai itself. These categories of “WILLS” require a certificate of probate mandatorily. For a “WILL” written in mofussil, the probate proceedings are optional. In fact, even without securing a probate, the petitioner could have always filed a suit for declaration of title and could have got the relief.



W.P(MD)No.8035 of 2025

WEB COPY 16. Be that as it may, this writ petition only relates to the issue whether the first respondent has jurisdiction to reject the settlement deed on the ground that the document is based on a “WILL” said to have been executed by the deceased husband. The first respondent, in my view, has no such jurisdiction. As rightly contended by Mr.P.Suresh, Rule 55 of the Registration Rules directly applies to the facts of the case. It is for the writ petitioner and the respondents 2 and 3 to approach the jurisdictional civil court and obtain such a relief as is open to them. The first respondent need not act as a caveator for the respondents 2 and 3 and call upon the petitioner to produce the probate before proceeding further with the registration of the settlement deed.

17. For the mere fact that the gift deed has been executed by the writ petitioner in favour of her son, Udit Narayanan, for the entire extent, would not confer the said right upon Udit Narayanan, which the writ petitioner does not possess. To make it clear, in case, the probate proceedings determine that the “WILL” dated 21.10.2022 does not deserve a certificate of probate, then Udit Narayanan will secure his admitted 2/3rd share. In case the probate court comes to a conclusion that the “WILL” is true and genuine, then Udit Narayanan would get all the rights that flow from his mother.



W.P(MD)No.8035 of 2025

WEB COPY 18. In the light of the above discussion, leaving it open to the parties to work out their rights before the jurisdictional civil court, the impugned Refusal Slip in Refusal Number.RFL/Sanarpatti/23/2025 dated 17.03.2025 issued by the first respondent is quashed. There shall be a direction to the first respondent to register the gift deed dated 15.03.2025 executed by the petitioner in favour of her son, Udit Narayanan. The said exercise shall be completed within a period of two weeks from the date of uploading of this order. For not having impleaded the respondents 2 and 3 as parties to the writ petition, the petitioner shall pay a cost of Rs.5,000/- [Rupees Five Thousand only] to the counsel for the respondents 2 and 3.

19. Call the matter after three weeks for reporting compliance.

24.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

1. The Sub Registrar,
Office of Sub Registrar,
Sanarpatti,
Dindigul District.



WEB COPY



W.P(MD)No.8035 of 2025

V.LAKSHMINARAYANAN, J.

skn

Writ Petition(MD)No.8035 of 2025

24.03.2025