



W.P(MD)No.8113 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.8113 of 2025

V.Kumar

..Petitioner

Vs

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Joint II Sub Registrar,
Sub Registrar Office,
Virudhunagar District.

..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 records pertaining to the Refusal Check Slip in RFL/Joint II Sub Registrar Virudhunagar/5/2025 issued by the second respondent dated 18.03.2025 and quash the same as unlawful and unsustainable consequently, to direct the second respondent to register the sale deed dated 18.03.2025 as and when the same is presented by the petitioner before him.



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For Petitioner : Mr.S.Kishore Kumar

For Respondents : Mr.R.Sureshkumar
Addl. Govt. Pleader

ORDER

The petitioner seeks to quash the impugned Refusal Check Slip in RFL/Joint II Sub Registrar Virudhunagar/5/2025 issued by the second respondent dated 18.03.2025 and to direct the second respondent to register the sale deed dated 18.03.2025 as and when the same is presented by the petitioner before him.

2. The petitioner states that the property comprised in Door Nos.63/1 and 63/2 situated at Ward No.1, Kandapuram Street, Virudhunagar Town and Taluk, belonged to his father's sister, one Muthulakshmi. The said Muthulakshmi had out of natural love and affection executed an unregistered “WILL” bequeathing the property in favour of the petitioner. Muthulakshmi died on 06.09.2022, and he became the owner of the property.

3. The petitioner pleads that he attempted to alienate the property in favour of one Baseer Ahamed. He presented a sale deed to the respondent on 18.03.2025. On the very same day, the second respondent refused to register



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the deed on the ground that the document based on which the petitioner claims ownership is an unregistered “WILL.” Challenging the same, the present writ petition.

4. Heard Mr.S.Kishore Kumar for the petitioner and Mr.R.Sureshkumar, learned Additional Government Pleader for the respondent. Both the counsel reiterated the contentions made in the affidavit and in the impugned order respectively.

5. In terms of Rule 55 of the Registration Rules, it is not the duty of the Sub Registrar to enquire into the title. Whether the “WILL” executed by Muthulakshmi on 29.08.2022 is true and genuine is beyond the jurisdiction of the Sub Registrar. In case, the “WILL” is not proved, the purchaser is not going to have any right over the same. If any dispute arises over the property owned by Muthulakshmi, I am sure that it would be appropriately resolved by the civil court, and it does not require the assistance of the second respondent.

6. In the light of the above discussion, the impugned Refusal Check Slip in RFL/Joint II Sub Registrar Virudhunagar/5/2025 issued by the second respondent dated 18.03.2025 is quashed, and the writ petition is allowed. The



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second respondent shall register the sale deed dated 18.03.2025 presented by

the petitioner in favour of Baseer Ahamed within a period of two weeks from

the date of receipt of a copy of this order. No costs.

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

24.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Joint II Sub Registrar,
Sub Registrar Office,
Virudhunagar District.



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V.LAKSHMINARAYANAN, J.

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