



W.P.(MD) No.8782 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.8782 of 2025

Mookkammal ... Petitioner

Vs

The Sub-Registrar,
Gangaikondan,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the respondent in Refusal Number RFL/Gangaikondan/52/2025, dated 21.03.2025, and quash the same as illegal, and consequently direct the respondent to register the settlement deed, dated 21.03.2025, presented by the petitioner for registration.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.P.T.Thiraviyam,
Govt.Advocate.



W.P.(MD) No.8782 of 2025

WEB COPY

ORDER

The petitioner seeks for a certiorarified mandamus, to call for the records pertaining to the respondent in Refusal Number RFL/Gangaikondan/52/2025, dated 21.03.2025, and quash the same as illegal, and consequently direct the respondent to register the settlement deed, dated 21.03.2025, presented by the petitioner for registration.

2. The petitioner states that the property situated in Survey No. 1487 of Gangaikondan Village, Tirunelveli District, belonged to her son - Murugan. She further states that her husband - Chellapandi purchased the property in the name of Murugan on 29.04.1999. Chellapandi passed away. Murugan was married, but his wife did not take care of him. She pleads that her daughter-in-law deserted Murugan and returned to her parents' house.

3. The petitioner pleads that Murugan was suffering from jaundice and, on 28.06.2022, he bequeathed the aforesaid property in the name of his mother, namely, the petitioner, by way of an unregistered Will. Unfortunately, Murugan passed away on 05.07.2022.

4. Thereafter, the petitioner sought to execute a settlement deed in favour of her four daughters. While she presented a settlement deed on 21.03.2025, the said settlement deed was returned without registration under the impugned order, stating :



W.P.(MD) No.8782 of 2025

WEB COPY

- (1) Legal Heirship Certificate has not been enclosed, and
- (2) Will is unregistered.

Challenging the same, the present Writ Petition is filed.

5. I have heard Mr.D.Venkatesh, for the petitioner; and Mr.P.T.Thiraviyam, for the respondents.

6. Mr.Venkatesh, narrating the facts, states that, there is no necessity for a "Will" to be registered for the purpose of enabling the petitioner to register a settlement deed. He, however, agrees that in so far as the Legal Heirship Certificate is concerned, he is bound to produce the same.

7. Mr.P.T.Thiraviyam invites my attention to two circulars, dated 25.04.2012 and 08.11.2013, to substantiate the impugned order.

8. I have gone through the records and the impugned order.

9. The ground on which the petitioner claims she is entitled to settle the property in favour of her daughters is that she has been benefited with a "Will", dated 28.06.2022. Whether the "Will" is true and genuine or otherwise, is not for the Sub-Registrar to decide. When the relationship between the deceased – Murugan and the petitioner is not in dispute, she is entitled to alienate with whatever share of the property, which she obtained either as a legal heir of the said Murugan or as the beneficiary under the "Will" in favour of any person she likes. Therefore, the reason given by the



W.P.(MD) No.8782 of 2025

WEB COPY

Sub-Registrar to reject the document on the ground that is based on an unregistered Will cannot be sustained. Accordingly, it is interfered with and that portion of the impugned order is set aside.

10. Mr.Venkatesh assures this Court that he will produce the document along with Legal Heirship Certificate. In case, the settlement deed is presented along with Legal Heirship Certificate, the respondent shall receive and register the same, without insisting upon that the "Will", on the basis of which the document is presented, is an unregistered one, nor on the ground that the daughter-in-law is not a party to the said document. In case Legal Heirship Certificate is not produced, the Sub-Registrar will be right in rejecting the document on the basis of 2013 circular. For completion of narration, 2012 circular is totally inapplicable to the facts of the present case.

11. Writ Petition is disposed of accordingly. No costs.

01.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dixit



W.P.(MD) No.8782 of 2025

WEB COPY

To:
The Sub-Registrar,
Gangaikondan,
Tirunelveli District.



WEB COPY



W.P.(MD) No.8782 of 2025

V.LAKSHMINARAYANAN, J.

dixit

W.P.(MD) No.8782 of 2025

01.04.2025