



W.P.(MD) No. 13060 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :01.07.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No. 13060 of 2025

Kajendran

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Pothmbu Sub Registrar,
Madurai District.

2.Raveendran

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a *Writ of Certiorarified Mandamus* to call for the records of the impugned order dated 04.03.2025 in RFL/PODUMBU/BOOK 212 passed by the first respondent and quash the same and consequently directing the first respondent to register the settlement deed executed by the petitioner dated (*)11.02.2025 as P16.

For Petitioner : Mr.K.Muraleedharan

For Respondent : Mr.S.Sajibino (for R1)
Special Government Pleader,



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ORDER

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The present writ petition is filed for Writ of Certiorarified Mandamus to quash the impugned order of the first Respondent in RFL/PODUMBU/BOOK 212, dated 04.03.2025 and also seeking consequential direction to the first Respondent to register the settlement deed executed by the petitioner dated (*)**11.02.2025** as P16.

2.The brief facts, as stated in the writ petition, are that the petitioners have inherited the property through Will dated 04.12.1985. Subsequently, another Will was executed on 17.08.1990, which was put to challenge in O.S.No.48 of 2014 on the file of the III Additional Sub Court, Madurai. The Court has nullified the second Will dated 17.08.1990 vide judgment and decree on 25.08.2022 and the same was attained finality, since no appeal was filed against the said judgment and decree. Now, the petitioner is claiming right over the property under the first Will dated 04.12.1985. The impugned refusal check slip states that since the will has been nullified through judgment and decree dated 25.08.2022, the petitioner's settlement deed cannot be registered.

3.It is seen that the Will dated 04.12.1985 which is relied on by the petitioner is not nullified and the said fact was not taken by the respondent. Further, it is seen that based on the Will dated 04.12.1985, the petitioner and his two brothers have already executed partition deed and the same was registered. Therefore, there



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cannot be any objection to execute the settlement deed to the property which the petitioner has inherited through the Will dated 04.12.1985 and through the partition deed. Hence, the impugned refusal check slip is liable to be quashed, accordingly quashed.

4. Based on the above discussion, the Writ petition is allowed. The impugned order of the first Respondent in Refusal Check Slip in RFL/PODUMBU/BOOK 212, dated 04.03.2025 is hereby quashed. The first respondent is directed to register the settlement deed and the said exercise shall be completed within a period of four weeks from the date of receipt of a copy of the order. No costs.

Sd/-

Assistant Registrar (CS – III)

(*)Corrected as per order of this Court dated 30/07/2025 made in WP(MD)No. 13060 of 2025

// True Copy //

/2025

Sub Assistant Registrar
(CS – I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.

vsg



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(*)To be substituted to the order which already despatched on 29/07/2025

The Sub Registrar,
Office of the Pothmbu Sub Registrar,
Madurai District.

+1 CC to M/s.SPL.GP (SR-39503[F] dated 03/07/2025)

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SB/28.07.2025 4P/3 C

AVK/07.08.2025 4P/3 C

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