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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.05.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.14033 of 2025

Chinnasamy .... Petitioner

/Vs/

1. The District Registrar
   Registration Department,
   Dindigul District,
   Dindigul.

2. The 2nd Sub Registrar
   2nd Sub-Registrar Office,
   Dindigul District. .... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd Respondent impugned order in RFL/2 Joint Sub Register Dindigul / 53/2025 dated 02.05.2025 and quash the same as illegal and consequently directing the 2nd respondent to register the deed executed by the petitioner on 19.04.2025.

For Petitioner : Mr.P.Manikandan

For Respondents : Mr. K.S.Selvaganesh
Additional Government Pleader

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ORDER

The petitioner challenges the refusal of the second respondent to register the document presented by the petitioner on 19.04.2025.

2. I have heard the learned counsel on either.

3. One of the reasons cited for refusing the registration is that the petitioner claims under an unregistered Will 20.07.2008 and the second reason, patta is mutated in third parties' name. According to the petitioner the patta is standing in the name of the petitioner's father and further there is no requirement for a will to be registered under the provisions of the Registration Act.

4. The learned counsel for the petitioner would invite my attention to the recent decision of Hon'ble Supreme Court in Civil Appeal number 3954 of 22 in the case of ***K.Gopi V. The Sub Registrar & Ors.***, where the Hon'ble Supreme Court held that the registering authorities cannot go into the issues as to whether the vendor has title to the property which is

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sought to be transferred and his duty is only to satisfy as to whether the parties to the document are present before him and whether the parties to the document admit execution thereof, subject to the procedural compliance being made.

5. In the light of the above the impugned order is set aside, the second respondent is directed to register the settlement deed executed by the petitioner dated 19.04.2025 subject to the petitioner's complying with all other statutory requirements. The said exercise shall be carried out within a period of 4 weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No **08.05.2025**
am

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To

1. The District Registrar
   Registration Department,
   Dindigul District,
   Dindigul.

2. The 2nd Sub Registrar
   2nd Sub-Registrar Office,
   Dindigul District.

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P.B. BALAJI, J.
am

Order made in
W.P.(MD)No.14033 of 2025

Dated:
08.05.2025

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