



W.P(MD)No.14260 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.05.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14260 of 2025

M.Ramasamy

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Joint I 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, calling for the records pertaining to the Refusal check slip by its RFL/1 எண் இணை சார்பதிவாளர் விருதுநகர்/10/2025 issued by the second respondent, dated 08.05.2025 and quash the same as unlawful and unsustainable consequently directing the second respondent to register the said gift settlement deed, dated 08.05.2025 as and when the same is presented by the petitioner before him and pass such further or other orders as this Court.

For Petitioner : Mr.S.Kishore Kumar



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For Respondents : Mr.J.K.Jayaseelan
Government Advocate

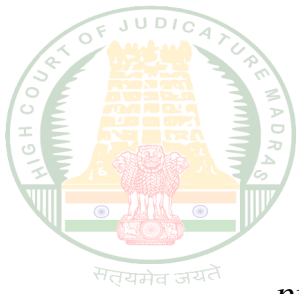
ORDER

The present writ petition has been filed challenging the refusal check slip issued by the respondent authorities on the ground that the gift deed presented by the writ petitioner is based upon the unregistered Will.

2. According to the learned Government Advocate appearing for the respondents, the petitioner is a class II heir and therefore, unless the the Will is registered, the gift deed cannot be registered.

3. On similar facts, this Court has passed an order in W.P(MD)No.8113 of 2025, dated 24.03.2025. Paragraph Nos.5 and 6 are extracted as follows:

"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



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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 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."

4. In view of the above said legal position, this writ petition stands allowed. There shall be no order as to costs.

21.05.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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To

- 1.The District Registrar,
Virudhunagar District,
Virudhunagar.
- 2.The Joint I Sub-Registrar,
Sub Registrar Office,
Virudhunagar District.



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R.VIJAYAKUMAR, J.

BTR

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