



W.P(MD)No.14712 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.14712 of 2025

S.S.Babulal

... Petitioner

VS.

The Sub Registrar
Joint 2 Sub Registrar Office,
Tenkasi,
Tenkasi District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to call for the records relating to the proceeding of the respondent dated 19.05.2025 made in refusal check slip in Refusal No.RFL/2 joint Sub Registrar Tenkasi/76/2025 and quash the same, consequently directing the respondent to register my settlement deed presented on 19.05.2025 in respect of S.F.No.23/2A2A, 1A1A, 1A1P, 1A2P Town survey number T.S.No.16, 17 Ward D, Block 05 house site in an extend of 74 cents land and buildings at Courtallam, Lakshmipuram Village, Tenkasi Taluk, Tenkasi District.

For Petitioner : Mr.P.Murugesan

For Respondent : Mr.S.Sajibino
Special Government Pleader



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the refusal check slip dated 19.05.2025 and consequently to direct the respondent to register the petitioner's settlement deed presented on 19.05.2025.

2. The contention of the petitioner is that the present property belonged to one Nanaiyer, who is the grandfather of the petitioner. After the demise of his grandfather, a partition deed was executed among the legal heirs, by which the said property was allotted to one S.N.Samay Rao, who is the petitioner's uncle (Chithappa). Since S.N.Samay Rao was unmarried and had no legal heirs, he executed a unregistered will dated 22.02.2013 in favour of the petitioner. The petitioner has inherited the property through the said will. Subsequently, the petitioner executed a settlement deed dated 16.05.2025 in favour of his sister and presented the same to the respondent for registration. However, the respondent refused to register the document, citing that the petitioner ought to prove the Will as the last Will and and further stated that the Will itself was not produced.

3. The learned Counsel for the respondent vehemently objected, stating that the petitioner ought to prove that the said Will is the last Will, atleast to that effect



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the petitioner ought to give an undertaking.

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4. This Court is of the considered opinion that the respondent cannot demand proof that the Will is the last Will and such demand is beyond the power of the respondent's authority. The respondent is merely a registering authority and not a competent civil Court. Therefore, the petitioner is entitled to the relief sought. Accordingly, the impugned order is quashed. The respondent is directed to register the settlement deed within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above said direction, this Writ Petition is allowed. There shall be no order as to costs.

12.06.2025

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

jbr

NOTE: Issue order copy on 17.06.2025

To:
The Sub Registrar
Joint 2 Sub Registrar Office,
Tenkasi,
Tenkasi District.

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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.14712 of 2025

DATED : 12.06.2025