



WEB COPY



W.P(MD)No.14084 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 14084 of 2024

Adaikalavan

... Petitioner

vs.

The Joint Sub Registrar-II,
Karaikudi,
Sivaganga District.

...Respondent

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 relating to the impugned order of the respondent dated 13.04.2024 in Refusal Number RFL/2 No.Inai Sarpathivalar Karaikudi/9/2024 and quash the same and consequently directing the respondent herein to register the document styled as Deed of Agreement of Sale executed by the petitioner in favour of Panchanathan dated 12/04/2024 bearing Refusal Number RFL/2 No.Inai Sarpathivalar Karaikudi/9/2024.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondents : Mr.D.Sasi Kumar,
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the respondent dated



W.P(MD)No.14084 of 2024

13.04.2024 in Refusal Number RFL/2 No.Inai Sarpathivalar Karaikudi/9/2024 and consequently directing the respondent herein to register the document styled as Deed of Agreement of Sale executed by the petitioner in favour of Panchanathan dated 12/04/2024 bearing Refusal Number RFL/2 No.Inai Sarpathivalar Karaikudi/9/2024.

2. Through the impugned order, the respondent has refused to register the document, stating that the petitioner has not submitted the original parent document as required under Circular No. 25600/C1/2018 dated 01.11.2018. It has been stated that the executor of the Will ought to produce the parent document so that it can be ascertained whether the executor is the owner of the property. For these reasons, the respondent has refused to register the sale deed.

3. The learned counsel appearing for the petitioner submitted that the parent documents belong to the petitioner's mother and the same were submitted before the Court below in O.S. No. 47 of 2007 on the file of the Sub Court, Devakottai. He further submitted that the Will dated 10.03.1989 and the Codicil dated 06.12.2006 came into force on 27.06.2011, and both were submitted in the said suit in O.S. No. 47 of 2007. The said suit was filed by the petitioner's mother. After the demise of the petitioner's mother, the petitioner filed I.A. No. 131 of 2012 to implead himself as the legal heir and legatee of his mother and sought



W.P(MD)No.14084 of 2024

permission to prosecute the said suit, which was allowed on 04.10.2013. In such circumstances, the petitioner expressed his difficulty in producing the original Will since the same was submitted before the Sub Court, Devakottai.

4. As far as registration is concerned, it is well settled that a Will need not be registered, and registration of a Will is not mandatory.

5. The learned Additional Government Pleader appearing for the respondent submitted that, based on the circular dated 01.11.2018, the respondent requires production of the original parent document as well as the original Will.

6. After hearing the rival submissions, this Court is of the considered opinion that registration of a Will is not mandatory. Therefore, the impugned refusal order is liable to be quashed.

7. Accordingly, this writ petition is allowed. The impugned refusal order, Refusal Number RFL/2 No. Inai Sarpathivalar Karaikudi/9/2024 dated 13.04.2024, is hereby quashed. As far as the production of the original Will is concerned, since the same has been submitted before the Sub Court, Devakottai in O.S. No. 47 of 2007, the petitioner is directed to obtain a certified copy from the Court and submit the same before the respondent. The petitioner is further directed to produce the death certificate of the executor of the Will. On such



W.P(MD)No.14084 of 2024

submission, the respondent is directed to register the document at the earliest. No costs.

05.08.2025

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



W.P(MD)No.14084 of 2024

WEB COPY

To:

The Joint Sub Registrar-II,
Karaikudi,
Sivaganga District.



WEB COPY



W.P(MD)No.14084 of 2024

S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.14084 of 2024**

DATED :05.08.2025