



W.P(MD)No.15685 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.15685 of 2025

Syed Khaja Nawaz

... Petitioner

vs.

The Sub Registrar,
Sub Registrar Office,
Valliyur,
Tirunelveli District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a *Writ of Certiorarified Mandamus*, calling for the records relating to the impugned refusal slip in RFL/Valliyur/25/2025 dated 02.06.2025 and the consequential impugned refusal slip in RFL/Valliyur/29/2025 dated 16.06.2025 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the consent deed presented by the petitioner within a time stipulated by this Court.

[Prayer is amended as per Order of this Court dated 26.06.2026]

For Petitioner : Mr.P.R.Prithviraj

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



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ORDER

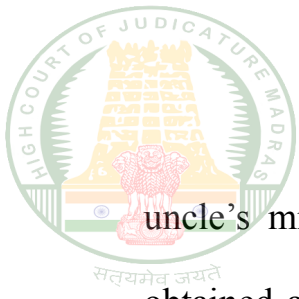
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The present Writ Petition has been filed for the issuance of a *Writ of Certiorarified Mandamus*, to quash impugned refusal slip in RFL/Valliyur/25/2025 dated 02.06.2025 and the consequential impugned refusal slip in RFL/Valliyur/29/2025 dated 16.06.2025 issued by the respondent and consequently direct the respondent to register the consent deed presented by the petitioner.

2. Through the impugned order, the respondent has refused to register the 'consent deed' on the grounds that the Will is an unregistered document and that the legal heir certificate of 'Tamilmani' has not been produced.

3. By order dated 11.06.2025, this Court issued an interim direction directing the petitioner to produce the original Will before the respondent on 16.06.2025. However, the respondent, by another impugned order dated 16.06.2025, again refused to accept the same, citing the same reason. Therefore, the petitioner filed an amendment petition to quash the said order, which has been allowed.

4. The brief facts of the case are that the Will was executed by the petitioner's maternal uncle [தாய் மாமன்]. At the time of execution, the maternal



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uncle's minor son was alive. In order to establish a clear title, the petitioner obtained a consent letter from the son, who has now attained majority. The said son has also executed the present consent letter. Therefore, the petitioner is seeking to register this consent letter before the registering authority.

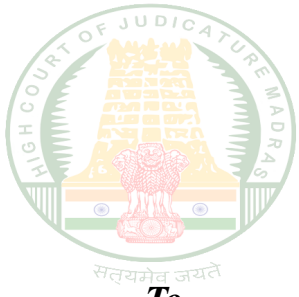
5. It is settled law that a Will need not be registered. Further, probate of Will is also not mandatory. Therefore, the reason cited by the respondent for refusing to register is erroneous and contrary to law.

6. Accordingly, both the impugned refusal slips, RFL/Valliyur/25/2025 dated 02.06.2025 and RFL/Valliyur/29/2025 dated 16.06.2025 issued by the respondent are hereby quashed. The respondent is directed to register the consent letter within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to produce the original Will. The respondent shall not insist upon production of any other documents.

7. With these observations, this writ petition is disposed of. No Costs.

26.06.2025
[2/2]

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



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To
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The Sub Registrar,
Sub Registrar Office,
Valliyur,
Tirunelveli District.



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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.15685 of 2025
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DATED :26.06.2025