



W.P(MD)No.21410 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21410 of 2025

Rajaguru

... Petitioner

Vs

The Sub Registrar,
Office of the Sub Registrar,
Sivagiri,
Tenkasi District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal slip vide Refusal No.FL/Sivagiri - Tenkasi/24/2025 dated 30.07.2025 issued by the respondent and quash the same consequently direct the respondent to register the gift settlement deed dated 30.07.2025 within time frame as fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr.S.Saji Bino
Special Government Pleader



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ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned refusal check slip dated 30.07.2025 and consequently direct the respondent to register the gift settlement deed dated 30.07.2025.

2. Through the impugned order, the respondent refused to register the gift settlement deed stating that the petitioner is tracing title through a Will and the same is not registered and probated. Therefore, the respondent refused to register the document.

3. It is a settled proposition that a Will may either be registered or unregistered. Further, probate of a Will is not mandatory. Therefore, the reason stated in the impugned order is totally non-application of mind. Accordingly, the impugned refusal check slip is quashed. However, the petitioner is directed to produce the original Will before the respondent. On such submission, the respondent is directed to register the Gift Settlement Deed within a period four (4) weeks from the date of receipt of a copy of this order.



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

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06.08.2025

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

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To:

The Sub Registrar,
Office of the Sub Registrar,
Sivagiri,
Tenkasi District.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
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DATED : 06.08.2025