

W.P(MD)No.21412 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21412 of 2025

Gopaladinakaran

... Petitioner

Vs.

1. The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
Sub Registrar Office,
Pandalgudi,
Aruppukotta Taluk,
Virudhunagar 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 pertaining to the Refusal check slip by its RFL/PANDALGUDI/17/2025 issued by the 2nd respondent dated 01.08.2025 and quash the same as unlawful and unsustainable and consequently, directing the 2nd respondent to register the said gift settlement deed dated 01.08.2025 as and when the same is presented by the petitioner before the 2nd respondent.



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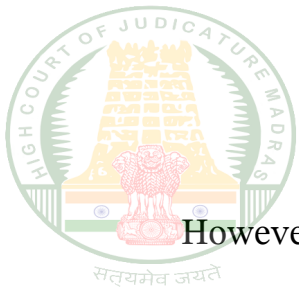
For Petitioner : Mr.R.Senthil Kumar

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

ORDER

This Writ Petition has been filed for issuance of the Writ of Certiorarified Madamus, challenging the impugned Refusal check slip by its RFL/PANDALGUDI/17/2025 issued by the 2nd respondent dated 01.08.2025 and consequently, directing the 2nd respondent to register the said gift settlement deed dated 01.08.2025 as and when the same is presented by the petitioner before the 2nd respondent.

2. Through the impugned order, the respondents refused to register the gift deed by citing the petitioner has not produced legal heirs certificate and death certificate. Further, the petitioner is directed to produce the other legal heirs before the authority. It is settled preposition of law that if a Will has been executed, the other legal heirs cannot have any say in the property. The Will is conferring a title on the person *de hors* legal heirs. Therefore, the impugned order stating that the legal heirs should appear before the authorities, then alone it will be registered is unnecessary condition and the same shows the non-application of mind of the authorities.



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However, the petitioner is bound to produce the original Will and death certificate. Therefore, the impugned order is quashed. The petitioner is directed to produce the original Will and death certificate. On such production, the respondents shall register the document within a period of four weeks from the date of receipt of a copy of this order.

3.With the above direction, this Writ Petition stands disposed of.

There shall be no order as to costs.

05.08.2025

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

PJL

To

1. The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
Sub Registrar Office,
Pandalgudi,
Aruppukotta Taluk,
Virudhunagar District.



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S.SRIMATHY, J.

PJL

**ORDER MADE IN
W.P(MD)No.21412 of 2025**

DATED : 05.08.2025