



W.P(MD)No.23895 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23895 of 2025

and

W.M.P.(MD)No.18768 of 2025

P.Periyanayagam

... Petitioner

Vs.

1.The District Registrar,
The District Registrar's Office,
Thoothukkudi,
Thoothukkudi District.

2.The Sub-Registrar,
Joint-1, Sub-Registrar's Office,
Thoothukkudi,
Thoothukkudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip in Refusal Number RFL/Number Joint.1 Sub Registrar, Thoothukudi/136/2025 dated 04.08.2025 issued by the 2nd Respondent and quash the same as illegal and consequently, directing the



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2nd Respondent to register the Sale Deed dated 04.08.2025 with respect to the property in Survey No.643/2B3B, Mullakadu Part-2 Village, Thoothukudi District.

For Petitioner : Mr.B.Sargunam

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner has purchased the petition mentioned property vide sale deed dated 04.08.2025 from one Muthu Kumar, S/o.Kottai. The document was presented for registration. The registering authority declined to receive the document on the ground that the petitioner's vendor is tracing his title on the strength of a Will. But the said Will has not been probated. To this effect, the impugned refusal check slip has been issued. Challenging the same, this writ petition has been filed.



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3.It is seen that the petition mentioned property belonged to one Arasa Konar. The said Arasa Konar had executed a Will dated 04.11.2020 in favour of his nephew namely, Muthukumar. The said document was not registered. The question that calls for consideration is whether the Sub Registrar could have refused to register the document on the ground that the vendor had not probated the Will executed in his favour.

4.My attention is drawn to the order dated 11.03.2025 made in W.P.(MD)No.4038 of 2025 (V.Rathesh Kannan Vs. The Sub Registrar, Office of the Sub Registrar, Udankudi, Thoothukudi District.). Paragraph Nos.7 and 8 of the said order read as follows:-

“7. Under Rule 55 of the Registration Rules, it is not the business of the Sub Registrar to decide matters on title. The petitioner has produced a “WILL” of the title holder, Janakiammal. In case the legal heirs of Janakiammal have any issues with the “WILL”, they can always approach the Civil Court and obtain appropriate remedies. The respondent need not trouble himself with issues, which should be rightly dealt with by a Civil Court. The property being outside the jurisdiction of the



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City of Madras and the “WILL” also having been written outside the City of Madras, it does not compulsorily require a probate. Probate of a “WILL” written by a Hindu outside the Presidency Town of Chennai is only optional. In any event, an order of Probate does not confer title. Therefore, legally as well as jurisdictionally, the impugned order suffers from infirmity. In fact, as very fairly pointed out by Mr.R.Suresh Kumar, I have taken a similar view in K.Vigneshwaran Vs. The Sub Registrar, Marudhanadakuruchi, Woraiyur, Tiruchirappalli District in W.P. (MD).No.3501 of 2025 dated 07.02.2025.

8. In the light of the above discussion, the Writ Petition succeeds and the same stands allowed. The impugned order is quashed. There shall be a direction to the respondent to register the sale deed executed by the petitioner within a period of two (2) weeks from the date of uploading of this order to the website of this Court. There shall be no order as to costs.”

5.I am inclined to adopt the very same approach in this case. Accordingly, the order impugned in this writ petition is quashed. The petitioner is permitted to re-present the document. The second respondent shall register the document and release the same subject to fulfilment of other usual formalities.



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6.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

03.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Registrar,
The District Registrar's Office,
Thoothukkudi,
Thoothukkudi District.
- 2.The Sub-Registrar,
Joint-1, Sub-Registrar's Office,
Thoothukkudi,
Thoothukkudi District.



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G.R.SWAMINATHAN, J.

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