



W.P(MD)No.23964 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.23964 of 2025

K.Paulraj

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District.
Virudhunagar.

2.The Sub Registrar,
No.2, Sub Registrar Office,
Virudhunagar District.

... Respondents

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 pertaining to the Refusal check slip by its Refusal No.RFL/ Joint Sub-Registrar No.2, Virudhunagar/16/2025 issued by the 2nd respondent dated 13.08.2025 and quash the same as unlawful and unsustainable consequently directing the 2nd respondent to register the said Sale deed dated 13.08.2025 as and when the same is presented by the petitioner before him.



W.P(MD)No.23964 of 2025

For Petitioner : Mr.S.Kishore Kumar

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader.

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ORDER

Heard both sides.

2.The petitioner had executed settlement deed in favour of his wife in respect of the petition mentioned property. The said property was bequeathed in favour of the petitioner by his grandfather and mother vide Will dated 27.12.1982. The registering authority has declined to register the settlement deed on the ground that the said Will dated 27.12.1982 had not been probated. To this effect, the impugned refusal check slip has been issued. Challenging the same, this writ petition has been filed.

3.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:-



WEB COPY



W.P(MD)No.23964 of 2025

“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 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.”



W.P(MD)No.23964 of 2025

4.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.

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

03.09.2025

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

- 1.The District Registrar,
Virudhunagar District.
Virudhunagar.
- 2.The Sub Registrar,
No.2, Sub Registrar Office,
Virudhunagar District.



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W.P(MD)No.23964 of 2025



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W.P(MD)No.23964 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.23964 of 2025

03.09.2025