



W.P(MD)No.24085 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.24085 of 2025

and

W.M.P.(MD)No.18890 of 2025

Murugesh

... Petitioner

Vs.

The Joint Sub-Registrar No.1
Sub-Registrar Office,
Palayamkottai,
Tirunelveli District.

... Respondent

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 relating to the Refusal Check Slip dated 18.08.2025, bearing Refusal No.RFL/1 Joint Sub-Registrar Palayamkottai/102/2025, issued by the respondent and Quash the same as being illegal, arbitrary and without jurisdiction and consequently, direct the respondent to register the sale deed dated 18.08.2025, presented by the petitioner in respect of Plot No.42 (1750 Sq.ft.), in S.No.226/4, situated in the Sarnagar-II layout, Reddiarpatti Village, Palayakottai Taluk, and release the document forthwith within the time frame fixed by this Court.



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For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : Mr.D.Gandhiraj,
Spl. Government Pleader.

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ORDER

Heard both sides.

2.The petitioner has purchased the petition mentioned property measuring 4 cents from one Raj Thilak vide sale deed dated 18.08.2025. The property belonged to one Thiyagarajan. The said Thiyagarajan had executed a Will dated 07.10.2021 bequeathing the property in favour of Raj Thilak. Soon thereafter, the testator passed away on 04.11.2021. Thus the petitioner's vendor traces his title to the aforesaid Will. The registering authority wanted the petitioner to prove that the said Will was the last Will executed by the testator. In essence, the registering authority wants the petitioner to prove the said Will.

3.When the registering authority declined to entertain a document on the ground that the Will had not been probated, a learned Judge of this Court had held as follows:-

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“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.”



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4.I am of the view that the very same approach can be adopted in this case also. After all, the petitioner is purchasing the property at his own risk. If the legal heirs of the deceased Thiyagarajan challenge the said Will, the petitioner will have to establish his case in the manner known to law. However, the registering authority need not concern himself with this issue for the present.

5.In this view of the matter, the impugned refusal slip is quashed. The petitioner is permitted to re-present the document. The registering authority shall register the document and release it subject to fulfilment of other usual formalities. The writ petition is allowed. 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:-

The Joint Sub-Registrar No.1
Sub-Registrar Office,
Palayamkottai,
Tirunelveli District.

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G.R.SWAMINATHAN, J.

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