



W.P(MD)No.27663 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27663 of 2025

M.Rajendra Kumar

... Petitioner

Vs.

1.The District Registrar,
Madurai District,
Madurai.

2.The Sub Registrar,
Tallakulam Sub Registrar Office,
Madurai 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 of the impugned order passed by the 2nd respondent herein in his refusal check slip in refusal number, RFL/Tallakulam/52/2025 dated 24.09.2025 and quash the same as illegal and further direct the 2nd respondent herein to register the Gift deed (TP/228976340/2025) with respect to the property comprised in T.S.No.130, Plot No. 34, to an extent of 1507 Sq.Ft in Managiri 1st Bit Village, Madurai North Taluk, Madurai District and release the same.



W.P(MD)No.27663 of 2025

For Petitioner : Mr.V.Meenakshmisundaram

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader.

ORDER

Heard both sides.

2.The petition mentioned land was assigned in favour of Mookkan, the father of the writ petitioner. The petitioner belongs to scheduled caste. Mookkan subsequently built a house. At present, the petitioner is said to be residing therein. The petitioner is also paying house tax and the electricity connection stands in his name. Mookkan passed away on 07.11.2000. Mookkan was survived by five legal heirs namely Ponammal (wife), Boomadevi and Leela (daughters) and Ravi and Rajendra Kumar (sons). The wife / Ponammal has also passed away. Whiles, Mookkan is said to have executed a Will dated 27.05.1998 in favour of Rajendra Kumar. It is an unregistered Will. Rajendra Kumar wants to execute a settlement deed dated 08.08.2025 in favour of his wife. It was presented for registration. The registering authority declined to register the document that the Will in question has not been probated.



W.P(MD)No.27663 of 2025

3. There is no requirement to probate a Will. But the writ petitioner as a propounder of the Will is under a legal obligation to prove the same. It appears that the petitioner's brother / Ravi has not accepted the Will propounded by the writ petitioner.

4. The petitioner states that his sisters are with him and that they accept the genuineness of the Will. Since Ravi has not conceded the petitioner's claim, the petitioner can convey only 3/4th undivided share in the property. I decline to quash the impugned refusal check slip. It cannot be faulted. The petitioner is however permitted to prepare a fresh settlement deed settling his undivided 3/4th share in the property. After it is presented for registration, the registering authority shall issue notices to Boomadevi and Leela and upon they are appearing before the registering authority and giving their no objection, the document shall be registered and released subject to fulfilment of the usual formalities. The petitioner is permitted to submit an application for refund of stamp duty and registration fee. As and when, the same is received, it shall be processed and the refund shall be made within a period of the eight weeks thereafter.



W.P(MD)No.27663 of 2025

WEB COPY

5.This writ petition is disposed of accordingly. No costs.

17.10.2025

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

To:

- 1.The District Registrar,
Madurai District,
Madurai.
- 2.The Sub Registrar,
Tallakulam Sub Registrar Office,
Madurai District.



WEB COPY



W.P(MD)No.27663 of 2025



WEB COPY



W.P(MD)No.27663 of 2025

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.27663 of 2025

17.10.2025