



WP(MD) NO. 29624 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

WP(MD) NO. 29624 of 2025

Jeyaprabha

D/o.Mariappan, 4/1646-E1, Hussain Colony,
Om Serma Nagar, Pallapatti,
Sivakasi, Virudhunagar

Petitioner

Vs

The Sub Registrar,

Sattur.

Respondent

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 impugned refusal check slip in RFL/SATTUR/39/2025 dated 13.10.2025 passed by the Respondent herein, and to quash the same as illegal, arbitrary and wholly unsustainable in Law, and consequently to direct the Respondent to register the Gift Settlement Deed, dated 13.10.2025.

For Petitioner : Ms.E.Manju

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

ORDER

Heard both sides.

2.The petitioner herein executed a settlement deed dated 20.08.2025 in favor of her daughter. The document was presented for registration. The registering authority declined to register the document on the ground that the Will dated 31.10.2009 on which the petitioner is relying has not proved in the manner known to law. Challenging the



stand taken by the registering authority, this writ petition has been filed.



3.It is not in dispute that the petition mentioned property was jointly purchased by the petitioner and her mother vide sale deed dated 28.12.2006. It was registered as Doc No.498 of 2006. The case of the petitioner is that her mother had bequeathed her half share in the property in her favour vide Will dated 31.10.2009. Admittedly, apart from the petitioner, there are six other legal heirs (brothers of the petitioner).

4.As rightly pointed out by the learned Special Government Pleader appearing for the respondent, the propounder of the Will is obliged to prove the same in the manner known to law (vide **2025 INSC 1059 - Ramesh Chand (D) Through Lrs v. Suresh Chand**). 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 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



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a similar view in K.Vigneshwaran Vs. The Sub Registrar Marudhanadakuruchi, Woraiyur, Tiruchirappalli District in W.(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...”

5.The said decision can be taken as an authority only for the proposition that the Sub Registrar could not have refused registration of a document that the Will in question had not been probated. But where there is more than one legal heir for the deceased testator/testatrix, it is the duty of the propounder to establish before the registering authority that there is no cloud on her claim. This can be done in two ways. Either a declaration from the Civil Court can be obtained or NOC can be produced before the registering authority from all the legal heirs. Since the petitioner do not resort to either of the methods, I decline to quash the impugned refusal check slip. However, I permit the petitioner to re-present the document. It is the duty of the petitioner to produce NOCs from all the other legal heirs. If the registering authority has any doubt, he can even insist that the other legal heirs shall appear before him either in person or through video conferencing mode. Their identity has to be duly authenticated by a lawyer practicing within the jurisdiction of the registering authority.

6.Once the petitioner satisfies the registering authority that there is no rival claim and that the Will relied on by her is not challenged, the registering authority



shall register the petition mentioned document and release the same.



7. This writ petition is disposed of. No costs.

23-10-2025

To

1. The Sub Registrar, Sattur.



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G.R.SWAMINATHAN, J.

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