



W.P(MD)No.31205 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31205 of 2025

Perumal

... Petitioner

Vs.

The Sub Registrar,
Thirumayam Sub Registrar Office,
Registration Department,
Thirumayam,
Pudukkottai 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 records pertaining the impugned refusal check slip in Refusal Number RFL/Thirumayam/81/2025 dated 08.10.2025 passed by the respondent and quash the same as illegal, consequentially directing the Respondent to register the settlement deed dated 07.10.2025 presented by the petitioner.

For Petitioner : Mr.M.J.Ameer Hussain

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



W.P(MD)No.31205 of 2025

ORDER

Heard both sides.

2.Settlement deed dated 07.10.2025 was executed by the petitioner in favour of his daughter / Sokkammal. The property that is the subject matter of the settlement deed belonged to the petitioner's wife/ Nachammai. Nachammai had passed away. The petitioner derives title on the strength of an unregistered Will dated 23.08.2023 executed in his favour by his wife Nachammai. The respondent declined to register the settlement deed on the ground that the Will dated 23.08.2023 has not been proved in the manner known to law. Challenging the refusal check slip, this writ petition has been filed.

3.Normally, when the executant of a document relies on a Will, I would call upon him either to prove the Will in the manner known to law or obtain NOC from the legal heirs of the deceased / testator. In this case, I do not propose to adopt such an approach. This is because of the special facts obtaining in this case. The deceased / Nachammai had two



W.P(MD)No.31205 of 2025

daughters and two sons. Both the sons namely, Kannan and Rajendran had predeceased their mother. The daughters-in-law are said to have remarried. Parvathi, one of the daughters had attested the Will along with her husband. In these circumstances, there does not appear to be any rival claim.

4.I, therefore, quash the impugned refusal check slip. The petitioner is at liberty to re-present the document. It shall be registered and released subject to fulfilment of other usual formalities.

5.I make it clear that the outcome of this writ petition will not have any bearing on the rights of the other legal heirs, if they choose to challenge the Will or the settlement deed. Their challenge will be independently decided.

6.This writ petition is allowed accordingly. No costs.

04.11.2025

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

3/5



WEB COPY



W.P(MD)No.31205 of 2025

To:

The Sub Registrar,
Thirumayam Sub Registrar Office,
Registration Department,
Thirumayam,
Pudukkottai District.



WEB COPY



W.P(MD)No.31205 of 2025

G.R.SWAMINATHAN, J.

ias / pmu

W.P(MD)No.31205 of 2025

04.11.2025