



W.P(MD)No.33365 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.33365 of 2025

D.Stuart Samson Arokiyasamy

... Petitioner

Vs.

The Sub Registrar,
Melur,
Thoothukudi District.

... 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 records of the Impugned Refusal Check Slip dated 28/10/2025 on the file of the Respondent and quash the same and further directing the Respondent to receive and register the sale deed dated 28/10/2025 executed by the Petitioner.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

Heard both sides.

2.Sale deed dated 28.10.2025 was executed in favour of Rajiv by the petitioner herein. It was presented for registration. Registration was refused on the ground that the petitioner has not produced any title document. Challenging the stand of the registering officer, this writ petition has been filed.

3.It is seen that the property was assigned in favour of the writ petitioner's father, Ranjan. Following his demise on 08.08.1992, the property devolved on his his wife Leela Ranjan, writ petitioner and the writ petitioner's sister Rose Allen. On 16.05.2005, Leela Ranjan executed a registered Will bequeathing 3 cents of land in favour of the writ petitioner and 2 cents of land in favour of Rose Allen (the petitioner's sister and daughter of the testatrix). The petitioner subsequently put up a dwelling house.



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4.The total extent of the property is around 6 cents. By virtue of the Will, the petitioner has been given 3 cents. The petitioner traces his title more to the registered Will executed by his mother. It is well settled that a Will even though a registered one has to be proved in the manner known to law. This requirement can be relaxed if the petitioner is able to obtain “No Objection Certificate” from the other legal heir of the deceased testatrix.

5.In this view of the matter, even without interfering with the impugned refusal check slip, I permit the petitioner to re-present the document. When the matter was taken up for enquiry by the registering officer, it is for the petitioner to produce his sister and if she gives no objection, the document in question shall be registered and released. The identity of the petitioner's sister will have to be confirmed by any advocate or notary practising within the jurisdiction of the registering authority.



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6.This Writ Petition is disposed of accordingly. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

The Sub Registrar,
Melur,
Thoothukudi District.



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G.R.SWAMINATHAN, J.

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