



W.P.(MD)No.35412 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2025

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.35412 of 2025

Subburaj

...Petitioner

vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Sub Registrar Office,
Panthalkudi,
Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Refusal check slip in Refusal No.RFL/Panthalkudi/23/2025 issued by the 2nd respondent dated 14.10.2025 and quash the same as unlawful and unsustainable, consequently direct the 2nd respondent to register the Gift settlement deed dated 13.10.2025 as and when the same is presented by the petitioner.

For Petitioner : Mr.S.Kishore Kumar

For Respondents : Mr.K.R.Badurus Zaman
Government Advocate



W.P.(MD)No.35412 of 2025

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip in RFL/Panthalkudi/23/2025 issued by the second respondent dated 14.10.2025 and consequently direct the second respondent to register the gift settlement deed dated 13.10.2025.

2. By consent, this Writ Petition is taken up for final disposal as the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that the second respondent refused to register the gift deed dated 13.10.2025 presented by the petitioner in favour of his daughter, on the ground that the Will is not probated. He would submit that the petitioner acquired the subject property by virtue of an unregistered Will dated 15.10.2007 executed by the petitioner's father and the petitioner's father passed away on 15.11.2007. He would further submit that the petitioner has one sister and she has no objection for the petitioner executing a gift deed in favour of his daughter.

4. The learned Government Advocate appearing for the respondents would submit that as the Will is not probated, the Authorities were not in a



W.P.(MD)No.35412 of 2025

position to register the gift deed. He would fairly submit that as the subject property is situated at Virudhunagar District, probation of Will is not necessary. However, since the petitioner has one sister, this Court may direct the Authorities to issue notice to the petitioner's sister and thereafter, to consider the gift deed for registration.

5. I have given due consideration to the submissions made on either sides.

6. In the present case, the refusal to register the petitioner's gift deed is on the ground that the Will is not probated. If the Will involves properties in Metropolitan cities, probation of Will is mandatory. However, as the subject property is situated in Virudhunagar District, probation of Will is not mandatory. Such being the case, the impugned refusal slip is not sustainable. However, in the present case, the petitioner's father passed away on 15.11.2007 i.e., one month after the execution of unregistered Will dated 15.10.2007. Under such circumstances, this Court is of the view that notice has to be issued to the petitioner's sister and only thereafter, the gift deed presented by the petitioner can be considered.



W.P.(MD)No.35412 of 2025

7. In view of the above discussions, the impugned refusal slip dated 14.10.2025 issued by the second respondent is set aside, subject to the condition that the petitioner re-presents the gift deed dated 13.10.2025 within a period of two weeks from the date of receipt of a copy of this order. On such re-presentation, the second respondent shall issue due notice to the petitioner's sister and the petitioner, hear both the parties and thereafter, consider the registration of gift deed executed by the petitioner.

8. Accordingly, this Writ Petition is disposed of. No costs.

10.12.2025

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

mbi

To

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Sub Registrar Office,
Panthalkudi,
Virudhunagar District.



WEB COPY



W.P.(MD)No.35412 of 2025

KRISHNAN RAMASAMY, J.

mbi

W.P.(MD)No.35412 of 2025

10.12.2025