



W.P.(MD)No.36237 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2025

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.36237 of 2025

Subbaraju

...Petitioner

vs.

The Sub Registrar,
Office of the Sub Registrar,
Vathirayiruppu,
Virudhunagar District.

...Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned refusal slip dated 19.11.2025 issued by the respondent vide RFL/Vathirayiruppu/14/2025 and quash the same as illegal and consequently direct the respondent herein to register the partition deed dated 18.11.2025 presented by the petitioner along with the unregistered Wills dated 29.09.2010 and 31.12.2010 in respect of the properties comprised in S.Nos. 144, 145/1, 146/1, 146/2 and old No.156/1A1B, New No.156/1A1B1A, bearing patta Nos.258, 321, 4834 and 4841 situated at Maharajapuram Revenue Village, Vathirayiruppu Sub Registration District, Virudhunagar Registration District, Virudhunagar District.

For Petitioner : Mr.C.Senthil Murugan

For Respondent : Mr.K.S.Selvaganesan,
Additional Government Pleader



W.P.(MD)No.36237 of 2025

WEB COPY

ORDER

This Writ Petition has been filed challenging the impugned refusal slip dated 19.11.2025 issued by the respondent in RFL/Vathirayiruppu/14/2025 and consequently to direct the respondent to register the partition deed dated 18.11.2025 presented by the petitioner along with the unregistered Wills dated 29.09.2010 and 31.12.2010 in respect of the properties comprised in S.Nos.144, 145/1, 146/1, 146/2 and old No.156/1A1B, New No. 156/1A1B1A, bearing patta Nos.258, 321, 4834 and 4841 situated at Maharajapuram Revenue Village, Vathirayiruppu Sub Registration District, Virudhunagar Registration District, Virudhunagar District.

2. Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the respondent.

3. By consent on either sides, this Writ Petition has been taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner would submit that that the petitioner has one brother and three sisters. During the life time of the petitioner's parents, the petitioner's brother namely Lingasamy passed away leaving behind his sons Loganathan and Lingeshwaran as legal heirs.



W.P.(MD)No.36237 of 2025

While so, the petitioner's father had executed an unregistered Will dated 29.09.2010 in favour of the petitioner and sons of the petitioner's brother. The petitioner's mother had executed an unregistered Will dated 31.12.2010 in favour of the petitioner and sons of the petitioner's brother. Subsequently, the petitioner's father passed away on 12.05.2011 and his mother passed away on 28.04.2013. The petitioner and the sons of his brother are in possession and enjoyment of the property. While so, with an intention to partition the subject property, they presented a partition deed dated 18.11.2025 before the respondent for registration. However, the respondent issued the impugned refusal slip stating that the Wills dated 29.09.2010 and 31.12.2010 are unregistered. According to the learned counsel, the Wills executed in respect of the properties in non-metropolitan area need not be probate and since the subject property is situated in Virudhunagar District, the Wills need not be registered. After the demise of the petitioner's father and mother, the Wills executed by them would come into force and by virtue of the same, the petitioner and his brother's sons are entitled to execute the partition deed. Hence, the present petition.

5. The learned Additional Government Pleader appearing for the respondent would submit that since the Wills dated 29.09.2010 and 31.12.2010 were unregistered, the respondent was not in a position to



W.P.(MD)No.36237 of 2025

register the same. He would further submit that there are six legal heirs to the petitioner's parents, including the petitioner, three daughters and two sons of the petitioner's brother. However, the subject property has been allotted to only three male heirs and no share was allotted to the female legal heirs. Hence, the impugned refusal slip.

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

7. The unregistered Wills dated 29.09.2010 and 31.12.2010 were executed by the parents of the petitioner in favour of their male legal heirs and consciously, they have not included the female legal heirs. Whether registered or unregistered, a Will is a Will. The subject property is located in Virudhunagar District, and hence the Will need not be registered to be probate. Such being the case, citing the above reason, the respondent / Sub Registrar, Vathirayiruppu cannot refuse to register the partition deed presented by the petitioner. In the event, if the female legal heirs of the petitioner's parents claim right over the subject property, it is up to them to establish the same before the appropriate forum. Such being the case, I do not find any impediment for the respondent to register the partition deed dated 18.11.2025 presented by the petitioner and his brother's sons.



W.P.(MD)No.36237 of 2025

Therefore, the impugned refusal slip dated 19.11.2025 issued by the respondent in RFL/Vathirayiruppu/14/2025 is liable to be set aside and accordingly, set aside. The petitioner is directed to re-present the partition deed dated 18.11.2025 before the respondent and upon re-presentation, the respondent is directed to register the same forthwith, if it is in accordance with law.

8. Accordingly, this Writ Petition is allowed. No costs.

18.12.2025

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

mbi

To

The Sub Registrar,
Office of the Sub Registrar,
Vathirayiruppu,
Virudhunagar District.



WEB COPY



W.P.(MD)No.36237 of 2025

KRISHNAN RAMASAMY, J.

mbi

W.P.(MD)No.36237 of 2025

18.12.2025