



WEB COPY

WP No. 2203 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 2203 of 2026

D.Thamaraiselvan
S/o.late.Deivasigamani,
No.2/212, Sevanthampalayam,
Muthanampalayam,
Tiruppur-641 606.

..Petitioner

Vs

1. The Principal Secretary
Department of Registration,
St. George Fort, Chennai-600 005.
2. The Inspector General of Registration,
o/o.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
3. The District Registrar (Administration)
O/o.The District Registrar,
Tiruppur.



4. The Sub Registrar

O/o.The Sub Registrar,
Nallur-Tiruppur District.

..Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the record of the 4th respondent Refusal Check Slip No.RFL/ Nallur-Tiruppur / 33/ 2025 dated 04.07.2025 and quash the same as illegal and to consequently directing the 4th respondent herein to register the Agreement of Sale Deed dated 04.07.2025 and to fix the time frame by this Honourable Court.

For Petitioner: Mr. R.Esakkiraja

For Respondents: Mr.U.Baranidharan, Spl. G.

ORDER

The petitioner traces title through his mother Subbammal, who is said to be the legatee from Muthusamy Gounder under a Will. By asserting that Will dated 04.10.1996 came into force upon the death of the testator on 21.02.2005, it is stated that the petitioner inherited the property from his mother as the sole legal heir. Upon presenting an agreement of sale, the request for registration was declined under the impugned refusal check slip.



2. Learned counsel for the petitioner submitted that the registering officer did not take into consideration registered Will dated 04.10.1996 bearing document no.257/1996. Therefore, he submits that the impugned refusal check slip is liable to be set aside.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for all the respondents. He submits that the request for registration was rejected in view of registered partition deed bearing document no.1634/2005 in respect of the same property. He placed reliance on a recent judgment of the Division Bench of this Court in *S.Amalraj v. C.Sivakumar and another, judgment dated 22.01.2026 in W.A.(MD)No.8 of 2026* for the principle that the subsequent document should be construed as a forged document. Without prejudice, he submits that the matter may be remanded for reconsideration after issuing notice to all persons interested in the property.

4. On perusal of the impugned refusal check slip, it is noticeable that the primary reason for refusal is partition deed bearing document no.1634/2005. There is no reference to registered Will dated 04.10.1996 bearing document no.257/1996. Therefore, reconsideration is warranted. To facilitate the same, the refusal check slip is set aside and the petitioner is permitted to re-present the



agreement of sale for registration. Within 30 days from such re-presentation, after issuing notice to the parties to partition deed bearing document no.1634/2005 and to the petitioner, either the document should be registered or a speaking order of refusal under Section 71 of the Registration Act, 1908 shall be issued.

5. The writ petition stands disposed of on the above terms without any order as to costs.

05-02-2026

Index : Yes/No

Internet: Yes/No

Neutral Citation : Yes/No

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To

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Department of Registration,
St. George Fort, Chennai-600 005.

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o/o.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

3.The District Registrar (Administration)
O/o.The District Registrar,
Tiruppur.

4.The Sub Registrar
O/o.The Sub Registrar, Nallur-Tiruppur District.



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SENTHILKUMAR RAMAMOORTHY, J.

KJ

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