



WEB COPY

WP No. 1495 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 1495 of 2026

C.Kanagasabapathi
S/o.V.Chidambaram, Door No.160/1B,
V.O.C. quarters,
Avinashi,
Tiruppur District.

..Petitioner(s)

Vs

1. The Inspector General of Registration
Registration Department,
Government of Tamil Nadu,
Santhome, chennai-04.
2. The Joint-2 Sub Registrar
Tiruppur.

..Respondent(s)

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned “Refusal Check Slip” issued by the 2nd respondent vide Refusal Check Slip vide RFL/ 2 EN Joint Sub Registrar Tiruppur/ 34/ 2025 dated 25.11.2025 and quash the same and consequently direct the 2nd respondent to register the settlement Deed dated 25.11.2025 presented by the petitioner, without insisting upon or any other condition not contemplated under



the Registration Act, within the stipulated time as may be fixed by this Hon'ble High Court.

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For Petitioner(s): Mr.N.Umapathi

For Respondent(s): Mr.P.Harish,
Government Advocate

ORDER

The petitioner's paternal aunt, V.Rukmani, executed an unregistered Will dated 26.07.2022 in favour of the petitioner. The petitioner asserts that the testatrix passed away on 13.02.2024 and the Will came into operation. After executing a settlement deed in favour of his wife on 25.11.2025, the petitioner presented the same before the second respondent for registration. The request for registration was declined by stating that the Will is unregistered and that there is no evidence that it is the final Will. Hence this writ petition.

2. Learned counsel for the petitioner submits that the Will was executed at Tiruppur and that the property bequeathed thereunder is situated at Tiruppur. He also submits that the death certificate of the testatrix was produced. He further submits that the sale deed under which the testatrix purchased the property was also produced.



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3. Mr.P.Harish, learned Government Advocate, accepts notice for both the respondents. He submits that the matter may be remanded for re-consideration.

4. On perusal of the impugned refusal check slip, it is noticeable that the registering officer rejected the request under the misconception that a document cannot be executed by relying on an unregistered Will. The registering officer was also under the misconception that the legatees under the Will are required to obtain a probate or letters of administration even if the property is situated outside a presidency town and the relevant Will was executed outside a presidency town. The requirement for obtaining probate or letters of administration, as the case may be, was applicable until recently only in relation to Wills executed in a presidency town or if the property bequeathed in the Will is situated in a presidency town. Given the fact that the Will was executed in Tiruppur and pertains to a property in Tiruppur, the said requirement does not apply.

5. Because the order proceeded on misconceptions, the said order cannot be sustained and is hereby set aside. As a corollary, the petitioner is permitted to re-present the settlement deed for registration within two weeks from the date of receipt of a copy of this order. Upon such re-presentation, after examining the



death certificate, subject to fulfilment of other requirements relating to registration, the registration shall be effected within two weeks therefrom. No costs.

30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Inspector General of Registration
Registration Department,
Government of Tamil Nadu,
Santhome, chennai-04.
2. The Joint-2 Sub Registrar
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SENTHILKUMAR RAMAMOORTHY, J.

RNA

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