



WEB COPY

WP No. 1992 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 1992 of 2026

D.Srinivasan
S/o.Dharuman,
K-3, MGR Nagar, Acharapakkam,
Madurantakam Taluk,
Chengalpattu District.

..Petitioner(s)

Vs

The Sub Registrar
Sub-Registrar Office,
Sub Registrar Office,
Guduvancheri,
Chengalpattu District.

..Respondent(s)

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records relating to the refusal check slip dated 05.01.2026 issued by the respondent herein in Refusal Number RFL / Guduvancheri/ 1/ 2026 quash the same and consequently issue direction directing the respondent herein to register forthwith the settlement deed dated 03.12.2025 executed by the petitioner in favour of his own son Deepan.



WEB COPY

For Petitioner(s):

Mr.G.Mageshkumar

For Respondent(s):

Mr.U.Baranidharan,
Special Government Pleader

ORDER

The petitioner executed settlement deed dated 03.12.2025 in favour of his son and presented the same for registration. The request for registration was declined in the impugned refusal check slip.

2. Referring to the refusal check slip, learned counsel for the petitioner submits that the first reason for refusal is the failure to obtain a no objection certificate from the mortgagee. By referring to letter dated 27.10.2025 from the mortgagee, he submits that the loan was discharged as evidenced by the said letter. As regards the second reason for refusal, he submits that the Will was executed outside Chennai and the property bequeathed thereunder is also situated outside Chennai. Merely on the ground that the Will is unregistered, he submits that the registering officer is not entitled to refuse registration.



3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for the sole respondent. On the basis of written instructions, he submits that no objection certificate from the bank and patta in the name of the settlor is necessary.

4. On perusal of the impugned refusal check slip, it is noticeable that the second reason mentioned therein is the execution of a settlement deed on the basis of an unregistered Will. Under the Registration Act, 1908, the registration of a Will is not compulsory. Therefore, the registering officer is not entitled to refuse registration of the settlement deed on that ground. As regards the first reason mentioned therein, until the recent amendment incorporating Section 34-C, it was not a ground for refusal. In addition, in the case at hand, there is *prima facie* evidence that the loan was discharged. In these circumstances, re-consideration is warranted.

5. In order to facilitate the same, the impugned refusal order is set aside and the matter is remanded to the registering officer. After issuing notice to the petitioner and to Repco Home Finance Limited, the registering officer shall either register the document or issue a speaking order of refusal. These actions shall be undertaken within two weeks from the date of re-presentation. Such re-presentation shall be done within two weeks from the date of receipt of a copy of this order.



WEB COPY

6. This writ petition is disposed of on the above terms. No costs.

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RNA

To

The Sub Registrar

Sub-Registrar Office,

Sub Registrar Office,

Guduvancheri,

Chengalpattu District.



WEB COPY

WP No. 1992 of 2



SENTHILKUMAR RAMAMOORTHY, J.

RNA

WP No. 1992 of 2026

03-02-2026