



W.P.No.2637 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.No.2637 of 2026

R.Priya

.. Petitioner

VS

1.The District Registrar,
The Registrar of Assurances,
Sadhavaram, Kancheepuram – 631 502.

2.The Joint Sub Registrar II,
Sub Registrar Office,
Kancheepuram – 631 502.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned refusal order passed by the second respondent dated 12.12.2025 in Na.Ka.No.1620/2025 and quash the same and consequently direct the respondents to register the Will dated 06.07.2020 executed by late K.Mahalakshmi alias Lakshmi, in accordance with law, without insisting upon probate.

For Petitioner : Mr.R.Gokul

For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader



W.P.No.2637 of 2026

ORDER

WEB COPY

The petitioner's mother, Ms.K.Mahalakshmi, executed a Will dated 06.07.2020 bequeathing the property described in the schedule to the Will to the petitioner. The testatrix died on 25.07.2020. Upon approaching the second respondent for registration, the request for registration was rejected under impugned communication dated 12.12.2025.

2. Learned counsel for the petitioner referred to the refusal communication and pointed out that the reasons for refusal are that the Will is unregistered and that probate has not been obtained. After pointing out that the Will was executed outside Chennai and that the property is also situated outside Chennai, he submits that there is no necessity for either obtaining probate or letters of administration.

3. Mr.Stalin Abhimanyu, learned Additional Government Pleader, accepts notice for both the respondents. In all fairness, he submits that the matter warrants re-consideration.

4. On examining the impugned communication, it is evident that the grounds of refusal are that the Will is unregistered and that probate was not obtained. On perusal of the Will, it is evident



W.P.No.2637 of 2026

that it was executed outside Chennai and the property bequeathed thereunder is also situated outside Chennai. The Registration Act, 1908 does not require compulsory registration of a Will and the requirement for obtaining letters of administration or probate, as the case may be, is confined to Wills executed in a presidency town or pertaining to assets situated in a presidency town. Therefore, the impugned communication cannot be sustained and is hereby set aside. As a consequence, the petitioner is permitted to re-present the Will for registration. Within two weeks from the date of re-presentation, subject to fulfillment of other requirements relating to registration, the registering officer shall register the Will.

5. This writ petition is disposed of on the above terms. There shall be no order as to costs.

06.02.2026

Index:Yes/No
Neutral Citation:Yes/No
mmi

To

- 1.The District Registrar,
The Registrar of Assurances,
Sadhavaram, Kancheepuram – 631 502.
- 2.The Joint Sub Registrar II,
Sub Registrar Office,
Kancheepuram – 631 502.



WEB COPY



W.P.No.2637 of 2026

SENTHILKUMAR RAMAMOORTHY,J.

mmi

W.P.No.2637 of 2026

06.02.2026