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W.P.No.3195 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

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THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.No.3195 of 2026

V.Gajapathi

.. Petitioner

VS

The Sub Registrar,
Madhuranthagam,
Chengalpattu District.

.. Respondent

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 and order of the respondent dated 12.01.2026 in Refusal Check Slip No.RFL/Mathuranthagam/6/2026 and quash the same as illegal and further direct the respondent to register the partition deed dated 12.01.2026 executed by the petitioner and his sister K.Kanchanamala within a time limit fixed by this Court without insisting on production of probate order along with the Will, if it is otherwise in order.

For Petitioner : Mr.J.Antony Jesus

For Respondent : Mr.U.Baranidharan,
Special Government Pleader



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ORDER

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Asserting title under unregistered Will dated 11.02.1993, the petitioner and his sister executed a partition deed dated 12.01.2026 and presented the same for registration. The request for registration was declined on the grounds that the Will is unregistered and that probate has not been obtained.

2. Learned counsel for the petitioner submits that the requirement for probate does not apply any longer in respect of Wills executed anywhere in India and pertaining to properties irrespective of location thereof.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for the sole respondent. In all fairness, he submits that the matter requires re-consideration.

4. The primary ground for refusal is that probate has not been obtained. The property bequeathed under the Will is situated in Arungunam Village, Maduranthakam Taluk. The Will was also executed at the same place. Therefore, even prior to the recent amendment, it was not necessary to obtain either letters of



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administration or probate. The petitioner had submitted the death certificate of the testatrix. The said document discloses that she died on 16.11.2000 and that the Will came into effect on the said date. The bequest under the Will is in favour of both children of the testatrix, who, in turn intended to partition the bequeathed properties amongst themselves. For these reasons, the impugned refusal check slip cannot be sustained and is hereby set aside. Consequently, the petitioner is permitted to re-present the partition deed for registration within two weeks from the date of receipt of a copy of this order. Subject to fulfillment of other requirements relating to registration, the registering officer shall register the document within two weeks therefrom.

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

10.02.2026

Index:Yes/No
Neutral Citation:Yes/No
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To

The Sub Registrar,
Madhuranthagam,
Chengalpattu District.

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