



W.P.No.3110 of 2026

and property measuring an extent of 88 square meters in New Survey No.73/9J, Old S.R. No.73/9 situated at Modaiyur West, Gingee Taluk, Villupuram District.

For Petitioner : Mr.P.Pandiyaraj
For Respondents : Ms.Akila Rajendran,
Government Advocate

ORDER

Asserting title under Will dated 08.08.1993, the petitioner executed a settlement deed dated 24.12.2025 in favour of his son Manikandan and presented the same for registration. The request for registration was declined on the sole ground that the Will is unregistered.

2. Learned counsel for the petitioner submits that the registration of a Will is optional under the Registration Act, 1908. Therefore, he contends that the impugned refusal check slip is liable to be set aside.

3. Ms.Akila Rajendran, learned Government Advocate, accepts notice for all the respondents. She states that the matter would be re-examined after taking note of the no objection letter, if any, from the other legal heirs of the testator.



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4. As contended by learned counsel for the petitioner, the registration of a Will is optional under the Registration Act, 1908. Therefore, the impugned refusal check slip cannot be sustained. Nonetheless, under Section 34(c) of the Registration Act, the registering officer is entitled to examine the parent document to ascertain whether the executant has the authority to execute the document presented for registration. In the case at hand, the Will was executed on 08.08.1993 and the death certificate reveals that the testator died on 11.02.2022. Given the long time lag, the possibility of revocation of the Will cannot be ruled out.

5. Considering the aforesaid, this writ petition is disposed of on the following terms:

5.1 The impugned refusal check slip dated 24.12.2025 is set aside and 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;

5.2 The registering officer shall issue notice to the other class 1 legal heirs of the testator/Gopal Gounder, conduct an inquiry and thereafter, either register the document or issue a speaking order of



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*refusal within thirty days from the date of re-
presentation. The inquiry shall be restricted to
verifying whether Will dated 08.08.1993 was revoked
and whether there is an order of a competent civil
Court restraining reliance on the Will.*

There shall be no order as to costs.

10.02.2026

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

- 1.The Inspector General of Registration,
Santhome, Chennai.
- 2.The District Registrar,
District Registrar Office,
Tindivanam.
- 3.The Sub Registrar,
Vallam Registration Office,
Vallam.



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SENTHILKUMAR RAMAMOORTHY,J.

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