



WEB COPY



W.P.No.3061 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.No.3061 of 2026

Puttuchithi

.. Petitioner

VS

The Sub Registrar,
Thalavadi, Erode 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 entire records relating to the impugned order in Refusal Check Slip No.RFL/Thalavadi/1/2026 dated 12.01.2026 issued by the respondent and quash the same and consequentially direct the respondent to register the settlement deed dated 12.01.2026 executed by the petitioner.

For Petitioner : Mr.J.Titus Knock

For Respondent : Mr.Stalin Abhimanyu,
Additional Government Pleader

ORDER

Relying on the Will dated 11.03.1991, the petitioner executed a settlement deed dated 12.01.2026 in favour of her grandson



W.P.No.3061 of 2026

Vijayakumar and her sister's son Madhesh. When presented for registration, the registering officer declined registration under impugned refusal check slip dated 12.01.2026.

2. Referring to the impugned refusal check slip, learned counsel for the petitioner submits that the request for registration was declined on the ground that the Will is unregistered and on the ground that probate was not obtained.

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

4. On perusal of the impugned refusal check slip, it is noticeable that the first ground of refusal is that the Will is unregistered. Under the Registration Act, 1908, registration of a Will is optional and not compulsory. Therefore, this reason is untenable. As regards the second reason, the Will has been executed in a village in Erode District and pertains to a property situated in the said District. Unless the Will is executed in a presidency town or bequeathed asset is situated in a presidency town, the Indian Succession Act, even prior to the recent amendment, did not mandate the obtaining of probate or letters of administration, as the



W.P.No.3061 of 2026

case may be. In view thereof, the second reason for refusal is also untenable.

WEB COPY

5. For reasons aforesaid, the impugned refusal check slip 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. Within two weeks therefrom, subject to fulfillment of other requirements relating to registration, the registering officer shall register the document.

6. 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
mmi

To

The Sub Registrar,
Thalavadi, Erode District.



WEB COPY



W.P.No.3061 of 2026

SENTHILKUMAR RAMAMOORTHY,J.

mmi

W.P.No.3061 of 2026

10.02.2026