



WEB COPY

WP No. 4284 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 4284 of 2026

C. Angamuthu

S/o.Late.Chinnapaiyan,

Door No.4/36, Kattur,

Kannantheri Village, Sankari Taluk,

Salem District-637 102.

..Petitioner

Vs

1. The District Registrar (Salem West)

No.313, 3rd Floor,

District Registration office campus,

Salem Collectorate building,

Kottai Main Road, Salem-636 001.

2. The Sub Registrar

Magudanchavadi Sub Registrar office,

Sankari Taluk, Salem District.

..Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip of the 2nd respondent in Refusal No.RFL/ Magudanchavadi/ 540/ 2025 dated 27.12.2025 and quash the same as



illegal and arbitrary and consequently direct the 2nd respondent S.R.O. Magudanchavadi, Sankari Taluk, Salem District to register the Gift Settlement deed dated 26.12.2025 presented for Registration in Pre-Registration Token Receipt No.TP/ 243591795/ 2025 dated 27.12.2025 within a stipulated time as fixed by this Honourable Court.

For Petitioner: Mr. N.Vijaya Basker

For Respondents: Mr. S.Jayachandran, Govt. Advocate

ORDER

Will dated 28.01.2003 was executed in favour of the petitioner by his father, the late Chinnapaiyan. Asserting that the said Will came into effect upon the death of his father on 02.04.2003, the petitioner executed settlement deed dated 26.12.2025 in favour of his wife and presented the same for registration. The request for registration was declined under the impugned refusal check slip on the ground that probate was not obtained. Hence, this writ petition.

2. Mr.S.Jayachandran, learned Government Advocate, accepts notice for both the respondents. He submits that the Will is an unregistered Will and that probate was not obtained.

3. The Registration Act, 1908 does not make the registration of a Will compulsory. On perusal of the Will, it is evident that it was executed in



Kannantheri village in Salem District and the property bequeathed thereunder is also situated in Pudur village of Sankari taluk. Even prior to the recent amendment to the Indian Succession Act, it was not necessary to obtain probate or letters of administration, as the case may be, if a Will were to be executed outside a presidency town and if the property bequeathed thereunder is also situated outside a presidency town. In these circumstances, the refusal check slip cannot be sustained and is hereby set aside.

4. Consequently, the petitioner is permitted to re-present the settlement deed for registration. If re-presented within two weeks from the date of receipt of a copy of this order, subject to fulfilment of other requirements relating to registration, the registering officer shall register the settlement deed unless a jurisdictional civil court order restraining such registration were to be received.

5. The writ petition stands disposed of on the above terms without any order as to costs.

17-02-2026

Index : Yes/No

Internet: Yes/No

Neutral Citation : Yes/No

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SENTHILKUMAR RAMAMOORTHY, J.

KJ

To

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