



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR JUSTICE SETHILKUMAR RAMAMOORTHY

WP No. 4966 of 2026

Mr.Senthilkumar
S/o.Murugesan
Door No.5/69, Vanichapalayam,
Senthil Illam, Kavilipalayam
Erode District.

..Petitioner(s)

Vs

The sub Registrar
Punjai PuliamPatti, Sub Registrar Office,
Erode District.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip bearing Refusal No. RFL/Punjai Puliyampatti /2/2026 dated 08.01.2026 issued by the respondent and quash the same as illegal and arbitrary, and consequently directing the respondent to receive, register and release the Gift Settlement Deed executed between the petitioner and his wife.

For Petitioner(s):

Ms.L.Meenakshi
For Mr.M. Dinesh

For Respondent(s):

Mr.U.Baranidharan
Special Government Pleader



ORDER

Relying on Will dated 23.12.2025, the petitioner executed Settlement Deed dated 08.01.2026 in favour of his wife and presented the same for registration. The request for registration was declined under impugned Refusal Check Slip dated 08.01.2026.

2. Learned counsel for the petitioner submits that one Mr.M.Kumarasamy is related to the petitioner and was taking care of him. Therefore, she submits that the property of Kumarasamy was bequeathed to the petitioner. Learned counsel also submits that it is not necessary to approach a court of law in relation to the Will.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for the sole respondent. In all fairness, he submits that the matter warrants reconsideration.

4. On perusal of the impugned Refusal Check Slip, it is noticeable that the Registering Officer had recorded that it is not possible to ascertain the genuineness of the Will because the testator has died within a week of the execution thereof. On that ground, he directed the petitioner to approach the jurisdictional civil court.



5. On perusal of the Will, it is clear that the Will was executed in Kavilipalayam, Erode District and the property bequeathed thereunder is also situated in a village in Erode District. Consequently, even prior to the recent amendment to the Indian Succession Act, neither Probate nor Letters of Administration was necessary. The registration of a Will is also optional and not compulsory under the Registration Act. In these circumstances, reconsideration is warranted. To facilitate such reconsideration, the impugned Refusal Check Slip is set aside.

6. Consequently, 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. Upon such re-presentation, the Registering Officer shall issue notice to the petitioner and the legal heirs of Kumarasamy to ascertain whether it is the last Will and testament of Kumarasamy and whether any jurisdictional civil court has issued any order restraining the registration of conveyances. If not, the Registering Officer, shall, subject to fulfillment of other requirements for registration, register the document. These actions shall be carried out within a maximum period of thirty (30) days from the date of re-presentation.



7. In the result, this writ petition is disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Sub Registrar

Punjai PuliamPatti, Sub Registrar Office

Erode District.



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SENTHILKUMAR RAMAMOORTHY, J.

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