



WEB COPY

WP No. 6160 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 6160 of 2026

T.Ponnusamy
S/o. (Late) Thimmappan @ Thimman,
No. 379 Sulthaan Street,
Punjaipulliyampatti,
Sathyamangalam Taluk,
Erode District 638 459

..Petitioner(s)

Vs

The Sub Registrar
Office of the Sub Registrar,
Mettupalayam,
Coimbatore district

..Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to Refusal Check Slip No. RFL/ Mettupalayam/9/ 2026 Sub Registrar, Mettupalayam dated 30.01.2026 and quash the same as illegal and consequently direct the respondent to register the Settlement deed presented by the petitioner for registration.

For Petitioner(s): Ms.M.Dharani
for Mr.V.Karthikeyan

For Respondent(s): Mr.P.Harish,
Government Advocate



ORDER

Asserting that the property described in paragraph 4 of the affidavit in support of this writ petition was purchased by the petitioner's late father under Document Nos.831 of 1971 and 614 of 1978 and that said properties were bequeathed in favour of the petitioner under Will dated 27.02.2008, the petitioner executed a settlement deed dated 30.01.2026 in favour of his sons and presented the same for registration. The request for registration was declined under the impugned refusal check slip.

2. Adverting to the impugned refusal check slip, learned counsel for the petitioner submits that the registering officer has refused to register the settlement deed on the ground that the Will is unregistered and that there is no evidence that it is the last and final Will. She points out that the Will was executed at Illupanatham Village in Avinashi Taluk and that the property is also situated there. Therefore, he submits that it is not necessary to obtain a probate or letters of administration.

3. Mr.P.Harish, learned Government Advocate, submits that the registering officer refused to register the settlement deed because the Will is unregistered.

4. The registration of a Will is optional and not compulsory under the Registration Act, 1908. On examining the Will, it is evident that it has been executed outside a presidency town and that the property bequeathed therein is



also situated outside a presidency town. Consequently, even prior to the recent amendment to the Indian Succession Act, it was not necessary to obtain probate or letters of administration. The petitioner has filed the death certificate of the testator. This document reveals that he died on 26.03.2013. The Will came into force upon his death. In these facts and circumstances, the impugned refusal check slip cannot be sustained and is hereby set aside.

5. As a corollary, the petitioner is permitted to re-present the settlement deed for registration. Within two weeks from the date of re-presentation, the registering officer is directed to register the document subject to fulfilment of other requirements relating to registration.

6. This writ petition is disposed of on the above terms. No costs.

27-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The Sub Registrar
Office of the Sub Registrar,
Mettupalayam,
Coimbatore district



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SENTHILKUMAR RAMAMOORTHY, J.

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