



WEB COPY

WP No. 6508 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 6508 of 2026

N.Mani

..Petitioner(s)

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.

..Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned Refusal Check Slip of the 2nd Respondent in Refusal Check slip No.RFL/Magudanchavadi/408/2025 dated 17.10.2025 and quash the same as illegal and Arbitrary and consequently direct the 2nd Respondent S.R.O. Magudanchavadi, Salem District to Registrar the Gift Settlement Deed dated 16.10.2025 presented for Registration in Pre-Registration Token Receipt No.TP/236726558/2025 dated 17.10.2025 within a stipulated time as fixed by this Court.

For Petitioner(s):

Mr.B. Keerthivasan
for M/s.Law Vision

For Respondent(s):

Mr.U.Baranidharan, SGP



ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 17.10.2025 issued by the second respondent refusing to register the gift settlement deed dated 16.10.2025 presented by the petitioner for registration, on the ground that the parent document, namely, Will has not been probated. The property in question is situated in Salem District.

2. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice on behalf of the respondents.

3. Admittedly, there is no legal requirement for obtaining probate of the said Will. Section 57 of the Indian Succession Act, 1925, also gives exceptions for grant of probate of a 'Will' for properties which are situated outside the city limits of Chennai. Therefore, since the property in question is situated in Salem District, the respondent cannot raise question about the probate of the Will. However, despite this settled legal position, the second respondent has refused to register the gift settlement deed dated 16.10.2025 presented by the petitioner for registration on the ground that Will requires probate. Therefore, since the impugned refusal check slip issued by the second respondent is not in accordance with the settled law, necessarily, the impugned order dated 17.10.2025 is liable to be quashed.



4. Accordingly, the impugned order dated 17.10.2025 is quashed and the writ petition is allowed by directing the second respondent to register the gift settlement deed dated 17.10.2025 presented by the petitioner for registration, if the same is otherwise in order, and the petitioner has paid the requisite stamp duty and registration fees as per the relevant statute/rules, within a period of four weeks from the date of receipt of a copy of this order. No Costs.

02-03-2026

Neutral Citation: Yes/No
RKM

To

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.



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ABDUL QUDDHOSE, J.

RKM

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