



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 16596 of 2026

1. P.Kala,
No. 443/19, Umarapulavar Street,
Maraimalai Nagar, Chengalpet District.
2. S.Menaka,
W/o. Subramaniyan,
No. 9/24 NH-1, Kannaki Street,
Maraimalai Nagar, Chengalpattu Taluk,
Chengalpattu District

..Petitioner(s)

Vs

1. The Inspector General of Registration,
Registration Department of Tamil Nadu,
No. 100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar,
The District Registrar Office,
Painkinar village, Cheyyar Taluk,
Tiruvannamalai District-604 407.
3. The Sub-Registrar No. II,
The Sub-Registrar Office, Cheyyar,
Tiruvannamalai District-604 407.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus, to quash the order of the 2nd respondent bearing No. 2964/ Aa1/ 2019 dated 21.12.2019 and directing the 2nd respondent to consider and dispose off the statutory appeal pending on its file against the Refusal Check Slip dated 26.11.2019 issued by the 3rd respondent



within a reasonable time frame as may be fixed by this Honble court.

For Petitioner(s): Mr.R.Pravesh for M/s.P.B.Ramanujam Associates

WEB COPY For Respondent(s): Mr.Dominic S.David
Government Counsel

ORDER

Challenge in this writ petition was made against the impugned refusal check slip dated 26.11.2019 issued by the 3rd respondent refusing to register the settlement deed dated 26.11.2019 citing reason that the Will dated 05.11.2018 was not registered and, also challenging the order of the 2nd respondent dated 21.12.2019, confirming the order passed by the 3rd respondent.

2. The learned counsel appearing for the petitioners would submit that the petitioner has also filed a civil suit in O.S.No.175 of 2019 however, the same was dismissed on 12.07.2022 citing reason that the petitioner can avail the statutory remedy under the Act by way of filing an appeal. Challenging the said order, they filed A.S.No.23 of 2022 and the said appeal was also dismissed on 13.11.2025 and thereafter, S.A.Sr.No.26856 of 2026 also filed. Under these circumstances, the learned counsel would submit that the only remedy available to the petitioners is to approach this Court by way of writ petition. Further, he would submit that in very many cases, this Court held that as far as the Will is concerned, the same is not required to be registered unless otherwise if there is any objections.



3. Per contra, the learned Government Counsel appearing for the respondents would submit that in the present case, since the Will was not registered one, the 3rd respondent as well as the 2nd respondent passed an order, rejecting the registration of the settlement deed presented by the petitioner. However, he would fairly submit that the Will unless otherwise is disputed even if it is unregistered Will, there is no statutory requirement to register the will. In such being the case, the Officer is suppose to go by the Will and the register the settlement deed.

4. I have considered the submissions made by the learned counsel for the petitioner as well as the respondents.

5. The issue involved in this writ petition is pertaining to whether the Will is required to be registered or not. In very many cases, it has been held that there is no obligatory on the part of the executant or beneficiary of the Will to register the Will. In the present case, an unregistered Will was executed on 05.11.2018. Based on the said Will, settlement deed was presented by the petitioners to settle the property by one beneficiary.

6. As rightly stated by the learned counsel for the petitioner as well as the respondents, Will need not be required to be registered. In such view of the matter, the respondent is suppose to register the settlement deed, on the other



hand, without taking into consideration of the law laid in very many cases, they simply issued a refusal check slip, refusing to register the settlement deed citing reason that it is an unregistered Will and therefore, the settlement deed cannot be registered, which is not in accordance with law. Such finding is liable to be set aside.

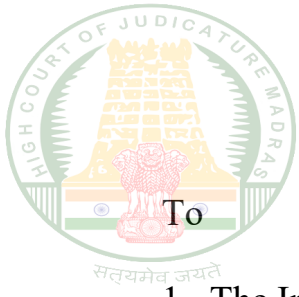
7. Accordingly, this Writ Petition is allowed, the refusal check slip issued by the 3rd respondent dated 26.11.2019 stands set aside and consequent order passed by the 2nd respondent dated 21.12.2019 also stands set aside. While setting aside these impugned orders, this Court directs the petitioners to re-present the settlement deed dated 26.11.2019. Upon such re-presentation of the settlement deed by the petitioners, the 3rd respondent / Sub-Registrar is directed to register the same within a period of two days from the date of such re-presentation of settlement deed dated 26.11.2019, in accordance with law.

8. This Writ Petition is allowed with the above terms. No costs.

04-06-2026

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

KKN



To

1. The Inspector General of Registration,
Registration Department of Tamil Nadu,
No. 100, Santhome High Road,
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KRISHNAN RAMASAMY, J.

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