



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 22755 of 2026

R.Margatham,
W/o.Ragunathan,
No.2/69, Karuthiruma Goundar Street,
Gopichettipalayam, Erode District.

..Petitioner(s)

Vs

1. The District Registrar,
Erode District.
2. The Sub Registrar
Gopichettipalayam Taluk,
Erode District.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent through his proceedings in the Refusal Check Slip No. RFL/1 dated 07.04.2026 and quash the same as illegal and consequently, directing the 2nd respondent to register the settlement deed submitted by the petitioner in pursuant to the unregistered will.

For Petitioner(s):

Mr.K.Devaraj

For Respondent(s):

Mr.Dominic S.David
Government Counsel



ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the 2nd respondent dated 07.04.2026 and also for a direction to 2nd respondent to register the settlement deed submitted by the petitioner in pursuant to the unregistered Will.

2. The learned counsel appearing for the petitioner would submit that in the present case, the petitioner is the absolute owner of the property and she intend to execute a settlement deed dated 07.04.2026 in favour of her son and submitted the same before the 2nd respondent for registration. While so, the 2nd respondent issued a refusal check slip dated 07.04.2026 refusing to register the same citing reason that the Will was unregistered one. Hence, the present writ petition is filed.

3. The learned Government Counsel appearing for the respondents would submit that the original sale deeds are not produced and she further submitted that the settlement deed produced for registration is based on the unregistered Will therefore, the respondents refused to register the same.

4. In reply, the learned counsel appearing for the petitioner would submit that the petitioner will produce the original sale deed, which is very much available.



5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the material available on record.

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6. In the present case, the respondent refused to register the settlement deed presented by the petitioner citing reason that it is based on unregistered Will. It is needless to say that registration of the Will is not mandatory and if any settlement deed is executed and the same can be registered based on the unregistered Will and, the respondent cannot refuse registration merely because the document has presented for registration based on the unregistered Will. Therefore, the impugned refusal check slip issued by the respondent is liable to be set aside.

7. Accordingly, this writ petition is allowed, the impugned refusal check slip issued by the respondent dated 07.04.2026 is set aside. While setting aside the same, this Court directs the petitioner to re-present the settlement deed dated 07.04.2026 along with required documents before the 2nd respondent. Upon such re-presentation, the 2nd respondent is directed to consider and proceed further to register the same forthwith, in accordance with law. No costs.

17-06-2026

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



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KRISHNAN RAMASAMY, J.

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To

1. The District Registrar,
Erode District.
2. The Sub Registrar
Gopichettipalayam Taluk,
Erode District.

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