



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 18940 of 2026

A.Muthukumarasamy,
S/o. Arumuga Gounder,
No.71B, Kattapuliyankadu,
Thangayur Village, Edappadi Taluk,
Salem District -637 102.

..Petitioner(s)

Vs

1. The District Registrar,
District Registration Office Campus,
(Combined Registration Office),
Kumaragiri Bypass Road,
Ammamet, Salem -636 014.
2. The Sub Registrar,
Sankari Sub Register Office,
Sankari Taluk, Salem 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 records relating to the impugned Refusal Check Slip of the 2nd Respondent in Refusal Check-Slip No.RFL/Sankari/19/2026 dated 24.03.2026 and quash the same as illegal and arbitrary and consequently direct the 2nd Respondent S.R.O, Sankari, Salem District to Register the Gift Settlement Deed dated 23.03.2026 presented for Registration in Pre-Registration token Receipt No.TP/261798114/2026 dated 24.03.2026 within a stipulated time as fixed by this Honble Court.



For Petitioner(s):

Mr.N.Vijaya Basker for M/s.Law Vision

For Respondent(s):

Mr.Roshan Atiq M., Government Counsel

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ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the 2nd respondent dated 24.03.2026, refusing to register the settlement deed presented by the petitioner and to direct the 2nd respondent to register the settlement deed dated 23.03.2026.

2. The learned counsel appearing for the petitioner would submit that when the petitioner intend to execute the settlement deed in favour of his wife and the same was presented, the respondent refused to register the same citing reason that the petitioner acquired right over the property by virtue of the unregistered Will executed by the petitioner's father. According to the petitioner, registration of Will is not mandatory. He would further submit that the respondent insisted the petitioner to get the Will probated, which is not at all required, since the same is executed at Edappadi Taluk.

3. The learned Government Counsel for the respondents would submit that since the Will was executed in Edappadi, there is no legal impediment for the respondents to register the same. He would further submit that if any order is passed by this Court, the same will be complied with by the respondents.



4. Heard the learned counsel appearing for the petitioner as well as the respondents.

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5. In the present case, the petitioner acquired the property by virtue of the unregistered Will, subsequently, the petitioner approached the respondent to execute the settlement deed in favour of his wife. While so, the respondent refused to register the same citing the reason that it is an unregistered Will and also insisted the petitioner to get the Will probated. Though the Will is unregistered, registration of the same is not mandatory and since the Will is executed in Edappadi, getting the Will probated also not at all required. Such being the case, the refusal check slip issued by the 2nd respondent is liable to be set aside.

6. Accordingly, this Writ Petition is allowed, the impugned refusal check slip issued by the 2nd respondent dated 24.03.2026 is set aside. The petitioner is directed to re-present the settlement deed dated 23.03.2026 before the 2nd respondent. Upon such re-presentation, the 2nd respondent is directed to register the same forthwith, in accordance with law. No costs.

09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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WP No. 18940 of 2



KRISHNAN RAMASAMY, J.

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To
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