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W.P.No.18339 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2026

CORAM

THE HONOURABLE MR.JUSTICE **S.SOUNTAR**

W.P.No.18339 of 2026

Raja
S/o.Late Ravi Kumar

... Petitioner

vs.

The Sub Registrar
Sathyamangalam
Erode District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order in Refusal Check Slip No.RFL/Sathyamangalam/34/2026 dated 29.04.2026 issued by the respondent and quash the same and consequentially, direct the respondent to register the settlement deed dated 27.04.2026 executed by the petitioner.

For Petitioner : Mr.J.Titus Enock

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

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2. Heard the learned counsel for petitioner and learned counsel for respondent.

3. With the consent of both the parties, the main writ petition is taken up for final disposal at the admission stage itself.

4. The writ petition has been filed challenging the impugned check slip issued by the respondent refusing registration of the Settlement Deed presented by the petitioner dated 29.04.2026.

5. The subject property was originally belonged to petitioner's paternal grandmother Karuppayal. She executed a Will on 29.07.2021 bequeathing the subject property to the petitioner. Later she died on 24.03.2026. After the death of Karuppayal, the above stated Will came into force and the petitioner has been in exclusive possession and enjoyment of the subject property. Later, the petitioner executed a settlement deed on 27.04.2026 in favour of his mother Rajeshwari and presented the same for registration before the respondent on 29.04.2026. The respondent, by the impugned



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check slip refused registration. Aggrieved by the same, the petitioner has come before this Court.

6. The learned counsel appearing for the petitioner would submit that the reasons assigned by the respondent in the impugned check slip cannot be sustained in law and therefore, the same should be set aside.

7. The learned Additional Government Pleader appearing for the respondent would submit that the petitioner failed to produce any document to show that the subject Will is the last Will of her mother and in the absence of anything to show the genuineness of the testamentary document, the respondent refused registration.

8. A perusal of the impugned check slip would indicate that the respondent has given the following reasons for the refusal.

(i) The petitioner has not produced any documents to show that the Will produced by him was the last Will executed by the Testatrix;

(ii) The petitioner has not produced any documents to show that the Will was properly executed; and



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(iii) The petitioner failed to produce the patta in his

WEB COPY name.

9. It is a settled law as far as the testamentary documents are concerned that registration is optional one in view of Section 18(e) of the Registration Act. The petitioner produced the unregistered Will executed by his paternal grandmother Karuppayal on 29.07.2021 with the respondent. In the absence of any material to show that Karuppayal executed some other Will subsequent to the Will relied on by the petitioner, the respondent ought to have acted on the said document.

10. Further the proper execution of the Will and the genuineness of the same cannot be gone into by the Registering Authority. If the Will is disputed by the heirs of Karuppayal, it is for the petitioner to prove the same in accordance with law before the civil Court and the said exercise cannot be done before the registering authority. In view of the same, the reasons assigned by the respondent for refusing the registration cannot be accepted. Accordingly, the impugned refusal check slip is quashed.



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11. The petitioner is directed to re-present the document within a period of one week from the date of receipt of a copy of this order. On such representation, the respondent shall consider the same for registration, if it is otherwise in order.

12. With the above direction, the Writ Petition stands disposed of.

There shall be no order as to costs.

06.05.2026

Speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

gpa/mk

To

The Sub Registrar
Sathyamangalam
Erode District.

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S.SOUNTHAR, J.,

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