



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. 22930 of 2026

and

WMP.No. 24835 of 2026

M.Kaveriyammal,
W/o.Madhan,
No.3/70, Ettianur,
Erraseegalaalli,
Palacode Taluk,
Dharmapuri -635 106.

..Petitioner(s)

Vs

The Sub Registrar,
Sub Registrar Office,
Palacode,
Dharmapuri -638 808.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus, to call for the records of the impugned order passed by the respondent vide Refusal Check Slip in Refusal No.RFL / Palacode/ 76/ 2026 dated 08.05.2026 and quash the same as arbitrary, illegal, and without jurisdiction and direct the respondent to register the sale deed dated 08.05.2026 presented by the writ petitioner for registration and release the document to the writ petitioner within the time frame fixed by this Honble court.

For Petitioner(s):

Mr.P.A.Arvinth Viveks

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 respondent dated 08.05.2026 and also for a direction to the respondent to register the sale deed dated 08.05.2026 presented by the petitioner for registration and release the document within the time frame.

2. The learned counsel appearing for the petitioner would submit that in the present case, based on a Will dated 06.11.2004, the petitioner's husband executed a sale deed dated 08.05.2006 in favour of the petitioner and presented the same for registration before the respondent. However, the respondent issued a refusal check slip dated 08.05.2026 refusing to register the same citing reason that the Will relied upon was an unregistered Will and probate should be obtained from the competent Court. Hence, the present writ petition is filed.

3. The learned Government Counsel appearing for the respondents would submit that based on the unregistered Will, the petitioner presented the sale deed for registration and he further submit that the petitioner has not produced any parent document therefore, the respondents refused to register the same.

4. In reply, the learned counsel appearing for the petitioner would submit that the petitioner is ready to present the parent document.

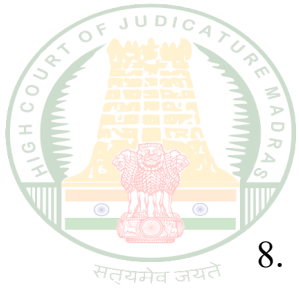


5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the material available on record.

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6. In the present case, the respondent refused to register the sale 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. As regards the probate, since the subject property is in Dharmapuri, the probate is not required to be obtained. Therefore, the impugned refusal check slip issued by the respondent is liable to be set aside.

7. Such being the case, the impugned refusal check slip issued by the respondent dated 08.05.2026 is set aside. While setting aside the same, this Court directs the petitioner to re-present the sale deed dated 08.05.2026 along with required documents before the respondent within a period of two weeks from the date of receipt of a copy of this order. Upon such re-presentation of sale deed, the respondent is directed to receive and proceed further to register the same, in accordance with law, within a period of eight weeks from the date of such re-presentation of the sale deed by the petitioner.



8. Accordingly, this Writ Petition is allowed. No costs. Consequently,
connected miscellaneous petition is closed.

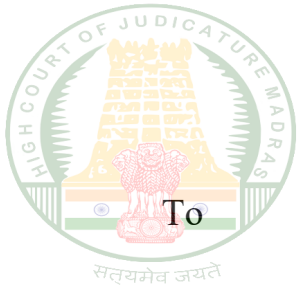
17-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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The Sub Registrar,
Sub Registrar Office,
Palacode,
Dharmapuri -638 808.



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KRISHNAN RAMASAMY, J.

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