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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No.42879 of 2026

CNR:{HCMA012437172026}

and

WMP No.48208 of 2026

Radhamani
W/o.Venkatachalam,
D.No.1/15, Nambiyur Road,
Nambiyur, Kavilipalayam,
Erode District.

..Petitioner(s)

Vs

The Sub Registrar,
Sathyamangalam, Sub-Registrar office,
Sathyamangalam, Erode District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for a writ of Certiorarified Mandamus calling for the records pertaining to impugned check slip No.RFL/ Sathyamangalam/95/2026 dated 03.10.2026 on the file of the respondent and quash the same in respect of petitioner directing the respondent to register the sale deed based on the unregistered will and other relevant documents within the time.

For Petitioner(s): Ms.S.Veera Santhi

For Respondent(s): Mr.S.Sidhartha Vishnu
Government Advocate

ORDER

The present writ petition is filed challenging refusal check slip dated 03.10.2026, whereby sale deed dated 01.10.2026, presented for registration in respect of property comprised in Survey No.16, situated in Sathiyamangalam

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Taluk, Akkarathathapalli Village, was refused on the premise that petitioner claims title over property on the basis of an unregistered will.

2. Learned counsel for petitioner would submit that petitioner's sister Nagamani executed a will dated 06.07.1999 bequeathing her share of subject property in favour of petitioner. Petitioner's sister Nagamani passed away on 30.04.2000. Thereafter, petitioner sold 1/3rd share of subject property to one Rukumani, W/o.Saravanan and presented the sale deed for registration before respondent, which came to be refused vide refusal check slip dated 03.10.2026, stating that the will is unregistered.

3. Learned counsel for petitioner would submit that registration of will is not mandatory and rejection of registration of document on the basis that title derived under an unregistered will cannot be sustained. In this regard, she would place reliance on the judgment of this Court in W.P. No.16999 of 2020 dated 03.12.2020, wherein status of Will has been examined and it was found that a Will does not get a special status by registering the same and further, there is no law which mandates registration of a Will. It was thus submitted that the above reasoning of respondent is ill founded. The relevant portion of the order is extracted hereunder:

> *"5. In the considered view of this Court, a Will does not get a special status by registering the same. Admittedly, it is a document*

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which need not be registered and no law mandates such registration. The law on this issue is well settled and it has been held that just because the Will is registered, reliance cannot be placed on the same, unless it is proved in the manner indicated under the Evidence Act.

6. In the present case, the respondent has insisted for getting a probate with regard to the Will executed in favour of the petitioner. Insofar as the probate is concerned, the same becomes mandatory only when it attracts the provisions of Section 213 of the Indian Succession Act. The property in question is situated at Kancheepuram District and the Will has also been executed at Kancheepuram District and therefore, the Will in question does not fall under the requirements of Section 213 of the Indian Succession Act and it does not require a probate for the purpose of acting upon this Will."

4. At this stage, learned Government Advocate appearing for respondent would submit that the writ petition itself is premature inasmuch as it is only a refusal check slip. He would further submit that petitioner may re-present the sale deed, along with their explanation to reasons set out in refusal check slip. In this regard, reliance is placed on order of Division Bench of this Court in W.P. No.21941 of 2025, dated 28.10.2025. The relevant observations are extracted hereunder:

"13. Pertinently, at initial stage of issuance of a refusal slip by Registering Authority, civil rights or right of presentant of a document for registration cannot be determined either by

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Registering Authority or by Writ Court. It is a preliminary stage, where they are bound to call for explanation from presentant of document, along with supportive documents, if any, and an adjudicatory process is to be undertaken to arrive at a final decision, enabling an aggrieved person to approach Appellate Authority and thereafter Civil Court under Sections 72 and 77 of Act respectively.

14. Under Sections 71 and 72 of Registration Act, neither Registering Authority nor Appellate Authority is empowered to decide title, ownership, or civil rights between parties. Extent of inquiry is to be confined so as to find out whether document presented under Act can be registered or refused. Therefore, Registering Authority is not empowered to go into merits of case and decide title, ownership, or civil rights between parties.

15. Any inquiry or findings made thereunder are to be confined only to an extent of registration of a document, and findings by Registering Authority or Appellate Authority cannot be taken into consideration for purpose of determining civil rights between parties."

5. Learned Government Advocate for respondent would further submit that if sale deed, is re-presented for registration by petitioner along with their explanation to reasons set out in refusal check slip, the same would be considered and deed would be registered by respondents, in accordance with law, if it is otherwise in order. Agreed to by learned counsel for petitioner.

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6. In view thereof, petitioner may re-present the sale deed for registration along with their explanation to reasons set out in refusal check slip and relevant documentary evidence in support thereof, before respondent. On such re-presentation, respondent shall consider the same and proceed to register the sale deed, in accordance with law, if it is otherwise in order, after affording a reasonable opportunity of hearing to petitioner. If, for any reason, Registering Authority refuses to register the deed, the same would be returned to petitioner by issuing a refusal order assigning reasons therefor. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the respondent to consider the case on its own merits and in accordance with law.

7. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

27-10-2026

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

To:
The Sub Registrar,
Sathyamangalam,
Sub Registrar office,
Sathyamangalam,
Erode district.

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MOHAMMED SHAFFIQ J.

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