



WEB COPY

WP No. 50519 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**WP No. 50519 of 2025
and W.M.P.No.56571 of 2025**

D.Ashok Kumar
S/o.Late.Devaraj, Mariyamman Kovil Street,
Alagugoundampalayam,
Thingalur Village,
Gobichettipalayam,
Erode District.

..Petitioner(s)

Vs

1. The Inspector General of Registration
Santhome High Road,
Pattinapakkam,
Chennai-600 028.
2. The District Registrar,
Erode District.
3. The Sub Registrar,
Thingalur, Erode District.
4. Marakal
W/o.Chinnapa Gounder,
Sastri Street, Alagugoundampalayam,
Thingalur Village,
Gobichettipalayam,
Erode District.

..Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Certiorarified Mandamus, calling for the records



relating to the impugned order passed by the 3rd respondent dated 25.08.2025 made in Na.Ka. No.178/2025 quash the same as arbitrary, illegal and without jurisdiction and consequently directing the 3rd respondent to register the pending Doc.No.P61/2025 and release the same as per the order dated 04.06.2025 in W.P.No.16638/2025 within a time frame fixed by this Honourable Court.

For Petitioner(s): Mr.R.Prabakar

For Respondent(s): Mr.U.Baranidharan,
Special Government Pleader for R1 to R3

ORDER

Relying on Will dated 15.10.2005 bequeathing properties to the petitioner and his brother, the petitioner executed a partition deed and presented the same for registration. On the basis of a protest petition from the fourth respondent, the request for registration was refused.

2. Notice was issued to the fourth respondent on 22.01.2026 both through Court and privately. Both Court notice and private notice were returned with the endorsement “refused”. Therefore, the matter is proceeded with in the absence of the fourth respondent.



3. Inviting my attention to the order of refusal, learned counsel for the petitioner submits that the registering officer has examined the validity of the Will, including while examining one of the witnesses of the Will. He contends that the registering officer has exceeded his jurisdiction in doing so.

4. Mr.U.Baranidharan, learned Special Government Pleader, appears on behalf of respondents 1 to 3. in all fairness, he submits that re-consideration is warranted.

5. On perusal of the impugned order, it is evident that the registering officer has examined one of the witnesses to Will dated 15.10.2005. On such basis, he records that the witness stated that he was unaware of the name of the testator. The registering officer also proceeded to record that it is not possible to ascertain the genuineness of the unregistered Will and that probate should be obtained before re-presenting the partition deed.

6. As contended by learned counsel for the petitioner, the registering officer does not have the authority or jurisdiction to adjudicate on the validity of the Will. On perusal of Will dated 15.10.2005, it is clear that said Will was executed in a village of Erode District. All the assets bequeathed under the said Will are also situated in Erode District. Consequently, even as per the Indian Succession Act as it stood prior to the recent amendment, it was not necessary to obtain probate or letters of administration, as the case may be. Registration of



a Will is also optional and not compulsory under the Registration Act, 1908.

7. For reasons set out above, the impugned order cannot be sustained and is hereby set aside. As a consequence, the petitioner is permitted to re-present the partition deed for registration within two weeks from the date of receipt of a copy of this order. Subject to fulfilment of other requirements relating to registration, the registering officer shall register the document within two weeks from the date of re-presentation.

8. This writ petition is disposed of on the above terms. No costs.
Consequently, the connected writ miscellaneous petition is closed.

17-02-2026

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

To

1. The Inspector General of Registration
Santhome High Road,
Pattinapakkam, Chennai-600 028.
2. The District Registrar,
Erode District.
3. The Sub Registrar,
Thingalur, Erode District.



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SENTHILKUMAR RAMAMOORTHY, J.

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