



W.P.(MD)No.989 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.989 of 2026

Panjavarnam

... Petitioner

-VS-

The Sub Registrar,
No.IV Sub Registrar Office,
Palanganatham,
Madurai South,
Madurai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip in RFL/4 No.Joint Sub Registrar Madurai South/38/2025 dated 04.12.2025 issued by the respondent and quash the same as illegal and consequently directing the respondent to receive and register the cancellation of will deed dated 04.12.2025 executed by the petitioner.

For Petitioner : Mr.S.Vanchinathan

For Respondent : Ms.P.Sudarkodi Nachiar
Standing Counsel



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ORDER

The writ petition has been filed challenging the impugned refusal check slip dated 04.12.2025.

2. The petitioner presented a document seeking cancellation of a registered Will. The same was refused registration on the ground that the Will had originally been executed jointly by the petitioner and her husband and that, upon the death of the petitioner's husband, the Will had come into effect. Therefore, according to the registering authority, one of the executants alone could not subsequently cancel the Will.

3. The learned counsel for the petitioner, taking this Court through the registered Will executed jointly by the petitioner and her husband, submitted that the properties covered under the Will had been purchased in the names of the petitioner and her husband. Under the said Will, which was registered on 17.03.2014, the scheduled properties were bequeathed in favour of their granddaughters.



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4. It is submitted that, insofar as the properties belonging to the petitioner's husband are concerned, his interest in the properties was bequeathed to the granddaughters, subject to a life estate in favour of the petitioner. Likewise, the petitioner's own properties were also bequeathed in favour of the granddaughters. The petitioner's husband passed away on 20.08.2025 and, consequently, the testamentary disposition made by him in respect of his properties has taken effect. Therefore, the bequest relating to the properties of the deceased husband cannot now be revoked or altered.

5. However, insofar as the properties belonging exclusively to the petitioner are concerned, the petitioner is still alive. It is well settled that a Will is ambulatory in nature and takes effect only upon the death of the testator. Therefore, it remains open to the petitioner to revoke the Will, execute a fresh Will, otherwise deal with the properties, or dispose of them in any manner permissible under law. Merely because the bequest made by her deceased husband has become operative upon his demise, the petitioner cannot be deprived of her right to deal with her own properties during her lifetime.



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6. The learned Standing Counsel appearing for the respondent is unable to dispute the factual position that the document now presented for registration seeks cancellation only insofar as it relates to the properties standing in the name of the petitioner and does not purport to affect the properties that belonged to her deceased husband.

7. In the above circumstances, I am of the considered view that the reason assigned in the impugned refusal check slip cannot be sustained. The registering authority has proceeded on an erroneous assumption that the petitioner is seeking to cancel the entirety of the Will, including the testamentary disposition made by her deceased husband. The materials placed before this Court demonstrate that the proposed cancellation is confined only to the properties belonging to the petitioner.

8. Accordingly, the writ petition is allowed on the following terms:

- (i) The impugned refusal check slip dated 04.12.2025 is set aside.
- (ii) The petitioner shall re-present the document seeking cancellation of the Will within a period of three weeks from the date of receipt of web copy of this order.



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(iii) Upon such re-presentation, and after satisfying itself that the cancellation relates only to the properties standing in the name of the petitioner and does not affect any property that belonged to her deceased husband, the respondent shall register the document in accordance with law.

(iv) No costs.

09.06.2026

NCC : No
smn2

To:-

The Sub Registrar,
No.IV Sub Registrar Office,
Palanganatham,
Madurai South,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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