



W.P.(MD) No.1699 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2026

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD) No.1699 of 2026

and

W.M.P.(MD) No.1336 of 2026

1.K.Veluchamy

2.Varadharajan

... Petitioners

Vs.

1.The District Revenue Officer,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Arrupukottai,
Virudhunagar District.

3.The Zonal Deputy Tahsildar,
Tahsildar Office,
Aruppukottai Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order dated 25.08.2025 passed by the third respondent *vide* proceedings in the petitioners' Application No. 2025/0103/26/302375 dated 11.08.2025 and quash the same as illegal and



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direct the second respondent to issue patta to the petitioners for the properties situated in Survey Nos.219/2, 331/2C, 336/5, Villipathri Village, Aruppukottai Taluk, Virudhunagar District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 25.08.2025 passed by the third respondent *vide* proceedings in the petitioners' Application No.2025/0103/26/302375 dated 11.08.2025, quash the same as illegal and consequently direct the second respondent to issue patta in favour of the petitioners in respect of the properties situated in Survey Nos.219/2, 331/2C and 336/5 at Villipathri Village, Aruppukottai Taluk, Virudhunagar District, within such time as may be stipulated by this Court.

2. With the consent of the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. The grievance of the petitioners is that the uncle of the petitioners had purchased the subject property. During his lifetime, he executed a Will dated 12.07.2013 in favour of the petitioners. The said uncle died on 13.05.2015 and the Will consequently came into effect.

4. Thereafter, the petitioners applied for transfer of patta before the third respondent, namely the Zonal Deputy Tahsildar. However, the third respondent rejected the petitioners' application for patta transfer. The reason shown online is that the request cannot be entertained on the ground that the petitioners have filed an unregistered document, i.e., the Will.

5. The learned Government Advocate appearing for the respondents does not dispute that the reference to the unregistered document pertains to the Will filed by the petitioners.

6. Under Section 18(e) of the Registration Act, 1908, registration of a Will is optional. Section 18 of the Registration Act, 1908 reads as follows:



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18. Documents of which registration is optional.—Any of the following documents may be registered under this Act, namely:—

(a) Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;

(b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;

(c) leases of immovable property for any term not exceeding one year, and leases exempted under section 17;

(cc) instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;

(d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable



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property;

(e) wills; and

(f) all other documents not required by section

17 to be registered.

7. Under the said circumstances, the impugned order rejecting the transfer of patta is hereby set aside, solely on the ground that the rejection was on account of the Will being an unregistered document. Liberty is granted to the petitioner to file a fresh application for transfer of patta. The said application shall be considered on its own merits and in accordance with law, as expeditiously as possible.

8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[K.SURENDER, J.]

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Index : Yes / No

Neutral Citation : Yes / No

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