



W.P.(MD)No.9060 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.9060 of 2026

Vanitha

... Petitioner

-VS-

1.The District Registrar,
Theni District,
Madurai.

2.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent herein in his refusal check slip in refusal number : RFL/Chinnamanur/13/2026 dated 16.03.2026 and quash the same as illegal and further direct the second respondent herein to register the Settlement Deed (TP/259213844/2026) with respect to the property comprised in New Natham Sy.No.926/21, Manavaripatta No.338, to an extent of 2.27 Cents (990.77 sq.ft.) bearing Door Nos.30/B2 and 31/B2 in Ward 9 in Seepalakottai Village, Chinnamanur Taluk, Theni District and release the same.



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For Petitioner

: Mr.S.Vashik Ali

For Respondents

: Mr.F.Deepak
Special Government Pleader

ORDER

The present writ petition has been filed challenging the impugned refusal check slip dated 16.03.2026.

2. The document presented by the petitioner was refused registration on the grounds that it is based on an unregistered Will, which is not probated, and that the petitioner did not produce the Legal Heirship Certificate and Death Certificate of the executor of the Will.

3. Upon hearing the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, it is seen that the refusal check slip is not sustainable. The Will is not a compulsorily registrable document. Probate is mandatory only if the testator has died or if the properties are located within the original jurisdiction of the Madras High Court. In the absence of such circumstances, probate is optional and not mandatory.



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4. As regards the Legal Heirship Certificate and Death Certificate of the executor of the Will, the learned counsel for the petitioner submits that the same are in the possession of the petitioner.

5. In view of the above, this writ petition is allowed on the following terms:-

- (i) The impugned refusal check slip dated 16.03.2026 is set aside.
- (ii) The petitioner shall re-present the document within two weeks from the date of receipt of a web copy of this order, without waiting for a certified copy, along with copies of the Death Certificate and Legal Heirship Certificate of the executor of the Will.
- (iii) If there is no other legal impediment, the document shall be registered in accordance with law.

No costs.

02.04.2026

NCC : No
smn2



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To:-

- 1.The District Registrar,
Theni District,
Madurai.
- 2.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Theni District.



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D.BHARATHA CHAKRAVARTHY, J.

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