



W.P(MD)No.10554 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.04.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.10554 of 2026

Maniraj

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028

2. The Sub Registrar,
Thiruthangal Sub Registrar Office.
Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the Impugned Refusal Check Slip in Refusal No. RFL/Thiruthangal/13/2026 dated 03.02.2026 passed by the Second Respondent, quash the same and consequently direct the Second Respondent to register the Settlement Deed dated 05.01.2026 and pass such other further orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.



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For Petitioner :Mr.N.Gurusamy
For Respondents :Mr.M.Gangatharan
Government Advocate

ORDER

The present writ petition has been filed to quash the impugned refusal check slip dated 03.02.2026 and consequently, direct the 2nd respondent to register the settlement deed dated 05.01.2026.

2. Heard Mr.N.Gurusamy, learned counsel appearing for the petitioner and Mr.M.Gangatharan, learned Government Advocate, who takes notice on behalf of the respondents.

3. Upon hearing the learned counsel appearing for the petitioner and upon perusing the material records of the case, it can be seen that when the petitioner presented a Deed of Settlement in favour of his wife and sister claiming to be a legatee under an unregistered 'Will', the same was refused for registration.



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4. The reasons mentioned in the refusal check slip dated 03.02.2026 are that the Sub-Registrar is not satisfied with the genuineness of the 'Will' that no probate proceedings have been initiated in respect of the 'Will' and that the revenue records have not been mutated pursuant to the 'Will'. Therefore, the Sub-Registrar has expressed doubt as to the genuineness of the 'Will'. However, a 'Will' is neither a compulsorily registrable document nor is probate mandatory in all cases.

5. In view of the above, insisting on probate is unwarranted and the document cannot be refused registration when the petitioner claims title as a legatee. The prima facie verification of the document is limited to the correctness of the recitals and the registering authority cannot go into the adequacy of proof or arrive at a subjective satisfaction regarding the genuineness of the 'Will'.



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6. The reasons stated in the impugned refusal check slip dated 03.02.2026 cannot be sustained. It is also seen that in respect of the very same property and under the very same 'Will', the petitioner has already executed a settlement deed which is already registered.

7. For all the above reasons, this writ petition is ordered on the following terms:-

- i. The impugned refusal check slip dated 03.02.2026 shall stand set aside.
- ii. Within a period of two weeks from the date of receipt of a web copy of the order, the petitioner shall represent the documents before the respondents for registration, upon which, the same shall be registered, if there is no other impediment.
- iii. No costs.

16.04.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No



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rgm

To

1. The Inspector General of Registration,
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2. The Sub Registrar,
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D.BHARATHA CHAKRAVARTHY, J.

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