



W.P.(MD).No.29448 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-03-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.29448 of 2025

Gurumurthi

... Petitioner

Vs.

The Joint I Sub Registrar,
Office of the Sub Registrar,
Kumbakonam,
Thanjavur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other order or direction in the nature of Writ, calling for the records of the Impugned Order of Refusal Check Slip passed by the respondent in Refusal Number RFL/1 No.Joint Sub Registrar Kumbakonam/128/2025 dated 25.09.2025 and quash the same as illegal, consequently direct the respondent to register the Sale Deed dated 20.08.2025 presented by the petitioner in favor of one K.Somaskandan in accordance with law and within the time frame as may be fixed by this Honble Court and pass such further or other order 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.R.Sridevi

For Respondent : Mr.D.S.Nedunchezian

ORDER

The writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other order or direction in the nature of Writ, calling for the records of the Impugned Order of Refusal Check Slip passed by the respondent in Refusal Number RFL/1 No.Joint Sub Registrar Kumbakonam/128/2025 dated 25.09.2025 and quash the same as illegal, consequently direct the respondent to register the Sale Deed dated 20.08.2025 presented by the petitioner in favor of one K.Somaskandan in accordance with law and within the time frame as may be fixed by this Honble Court and pass such further or other order as this Honble Court may deem fit and proper in the circumstances of the case and thus render Justice.”

2. According to the petitioner, the property originally belonged to one R.Saraswati, the wife of N.Ravishankar, who had no children. By a registered 'Will' dated 07.07.2013, the said R.Saraswathi has bequeathed the property in favour of the petitioner and another sister. While so, the testator of the 'Will' namely R.Saraswati predeceased her husband and passed away on 20.08.2018. Her husband namely



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N.Ravishankar passed away on 16.04.2023. At this juncture, the petitioner and his another sister have got the properties mentioned as first item and second item of the registered 'Will' respectively. When the petitioner presented the document for registration, the same was refused by the respondent/Sub Registrar.

3. Upon hearing the learned Government Advocate appearing for the respondent/Sub Registrar and perusing the impugned refusal check slip dated 25.09.2025, the Sub-Registrar had perused the 'Will'. Even though in page 1, paragraph 3, in the first page of the 'Will', it has been stated that the testator bequeaths the property to her brother and sister after her lifetime, in the subsequent portion in Page 2, paragraph 2 of the 'Will', it has been stated that if the testator's husband survives her, then the property will go only to the husband. Therefore, as per the 'Will', the petitioner cannot claim the title.

4. I have considered the rival submissions made on either side and perused the materials available on record.



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5. By way of an additional typed set of papers, a certificate issued by the Tahsildar on 10.01.2026 has been filed, wherein it has been stated that husband of the testator of the 'Will', namely N.Ravishankar died intestate with no Class I or Class II legal heirs, siblings, or surviving parents. Furthermore, the certificate confirms that both his wife (the testator) and his parents had predeceased him, and that he had no children. This certificate is now kept on record.

6. The learned counsel for the petitioner contended that the persons interpreting the 'Will' should sit in the armchair of the testator and interpret the 'Will'.

7. He further contended that as far as page no.1, paragraph no. 3 of the 'Will' is concerned, the intention of the testator is to give the property to her brother and sister, since she had no other legal heirs. As far as pg.no.2, pr,no.2 is concerned, if the testator's husband survives the testator, he will only enjoy the property. Specifically the words “சகல உரிமைகளுடன் அனுபவித்து கொள்ளவேண்டியது” and it is not mentioned as “அடைந்து கொள்ள” as is mentioned for others.



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8. When the Will in question gives room for interpretation and in the absence of any counter claim, this Court is of the view that the Sub-Registrar need not enter into the realm of title verification. It is not as if the petitioner is totally unconnected or with an intention to grab the property belonging to someone else.

9. In view of the overall facts and circumstances of the case, this writ petition is allowed on the following terms:-

- i. The impugned Refusal Check Slip dated 25.09.2025 is set aside and the matter is remitted back to the respondent for fresh consideration.
- ii. The petitioner is directed to produce all the relevant documents to the respondent for registration of the Sale Deed.
- iii. Upon receipt of the same, the respondent is directed to register the Sale Deed in favour of the petitioner after due verification and in accordance with law.
- iv. No costs.

03.03.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
rgm



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D.BHARATHA CHAKRAVARTHY, J.

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To

The Joint I Sub Registrar,
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Kumbakonam,
Thanjavur District.

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