



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.06.2026

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**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.30837of 2025

1.P.Sulochana

2. .P.Rakesh

... Petitioner(s)

- Vs. -

1.The Sub Registrar Joint 2
Sub Registrar Office,
Virudhunagar,
Virudhunagar District.

2. A.Sankarapandiyan

3. A.Venkataramanan

4. A.Ramesh Kumar
(R2 to R4 are Impleaded Vide Court Order
Dated 18.11.2025 in Wmp(MD)no.25961 of 2025)

... Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 pertaining to the impugned Refusal Check Slip No.RFL/2 Joint Sub Registrar No.2 Virudhunagar /21/2025 dated 16.10.2025 issued by the Respondent and quash the same as illegal and consequently direct the respondent to entertain the gift settlement deed dated 10.10.2025 presented by the petitioner for registration and register the same in accordance with law and to pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.



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W.P(MD)No.30837 of 2



For Petitioner	:Mr.M.Murugaraj
For R1	:Mr.R.Parthiban, Government Advocate
For R2 to R4	: No appearance

ORDER

This writ petition is filed challenging the impugned refusal check slip dated 16.01.2025.

2.The first petitioner being the mother of the second petitioner executed a settlement deed in respect of the share in the said properties which is now refused to be registered.

3.The case of the petitioner is that the first petitioner's husband is one Pandiarajan. The properties in question were originally purchased by one Athinarayanan, father of the said Pandiarajan, vide registered sale deed dated 29.11.1973 and 21.02.1979 and 25.01.1991. Similarly, some of the properties were purchased by one Akilandam, the mother of the said Pandiyarajan vide Document Nos.963/1991 and Document No.232/1991. The said Athinarayanan executed a Will dated 15.09.2000 bequeathed the said properties purchased by him in favour of the first petitioner's husband Pandiarajan. Similarly, the said Akilandam bequeathed the properties purchased by her, by a Will dated 12.12.2003 in favour of the said Pandiarajan. Mr. Athinarayanan passed away on 05.06.2001 and Akilandam



passed away on 26.06.2004. The Will came into effect and the husband of the first petitioner was in possession and enjoyment of the properties as per the Will. Subsequently on 24.07.2023, the husband of the first petitioner passed away. He died intestate leaving behind the petitioners, namely his wife, the first petitioner and his son the second petitioner. Therefore, the properties devolved 1/2 each to the 1st and 2nd petitioners. As far as the half share of the first petitioner is concerned, now the settlement deed is executed in favour of the second petitioner and upon presentation thereof, the same is refused to be registered on the ground that the Will is unregistered and the Patta was also not changed in the name of Pandiarajan.

4.I have heard the learned Government Pleader appearing on behalf of the Sub Registrar.

5.As a matter of fact, the Court also impleaded the other legal heirs of the said Athinarayanan as well as Akilandam as the respondents No.2 to 4. In spite of service of notice on the said legal heirs, they have not chosen to appear before this Court and contest the matter. Will is not a compulsorily registrable document. Probate is also not compulsory. Therefore, the said reason contained in the refusal check slip cannot be sustained. As far as the change of Patta is concerned, Patta stands in the name of Athinarayanan as



well as Akilandam. Therefore, since the same is there in the name of the original purchasers who have bequeathed with the property in favour of the first petitioner's husband, the petitioners can further convey the property by relying upon the said Patta also. The petitioner can re-present the document along with the original copies of the Will and the parent documents and the death certificates of her parents in law. Upon such re-presentation, the same can be registered.

6.In view thereof, this writ petition is ordered on the following terms:

- (i)The impugned refusal check slip dated 16.10.2025 shall stand set aside.
- (ii)The petitioners can re-present the document within two weeks from the date of receipt of the web copy of the order.
- (iii)Upon such re-presentation along with the originals as aforesaid, the same shall be registered, if there is no other impediment.
- (iv)No costs.

02.06.2026

NCC:Yes/No
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W.P(MD)No.30837 of 2



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To

1.The Sub Registrar Joint 2
Sub Registrar Office,
Virudhunagar,
Virudhunagar District.



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W.P(MD)No.30837 of 2



D.BHARATHA CHAKRAVARTHY, J.

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