



W.P.(MD)No.31233 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.31233 of 2025

M.Sundaram

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Elumalai,
Madurai District.

2.Thiraviyam Pillai

3.Arasuthai

... Respondents

*[R2 & R3 are impleaded vide order dated 10.12.2025 in W.M.P.
(MD)No.28065 of 2025]*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal slip vide Refusal No.RFL/Elumalai/97/2025 dated 27.10.2025 issued by the respondent and quash the same consequently directing the



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respondent to register the gift settlement deed dated 27.10.2025 within time frame as fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed
For Respondent No.1 : Mr.M.Lingadurai,
Special Government Pleader
For Respondents 2 & 3 : Unclaimed

ORDER

Challenge has been made against the refusal check slip issued by the second respondent dated 27.10.2025.

2.The learned Counsel for the petitioner would submit that the petitioner inherited the subject property through an unregistered Will dated 13.03.1998, executed by one Arumugam and the petitioner is in possession of the property. Now, the petitioner intending to execute a settlement deed in favour of his son, presented the document before the first respondent for registration. The same came to be refused by the first respondent, citing the reason that the Will dated 13.03.1998 is an unregistered Will. Hence, the present Writ Petition.



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3. Learned Special Government Pleader appearing for the respondents would submit that the Will through which the petitioner inherited the property is an unregistered Will and hence, the first respondent was not in a position to register the settlement deed and rejected the same.

4. Heard the learned Counsel on either side.

5. Admittedly, the petitioner inherited the property through an unregistered Will dated 13.03.1998. Merely because the Will is an unregistered Will, the same cannot be a ground for the first respondent to refuse to register the settlement deed presented by the petitioner. Unless and otherwise there is any objection by any other right holder, there is no impediment for the first respondent to register the settlement deed. Hence, the impugned order dated 27.10.2025, passed by the first respondent is set aside. While setting aside the impugned order, this Court directs the petitioner to re-present the settlement deed to the respondent, who shall register the same forthwith.



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6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

20.02.2026

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

MR



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To
The Sub Registrar,
Office of the Sub Registrar,
Elumalai,
Madurai District.



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KRISHNAN RAMASAMY, J.

MR

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