



WEB COPY

WP No. 12955 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 12955 of 2026

Jaganathan

..Petitioner(s)

Vs

The Joint Sub Registrar No.1
(In the Cadre of District Registrar)
Erode District.

..Respondent(s)

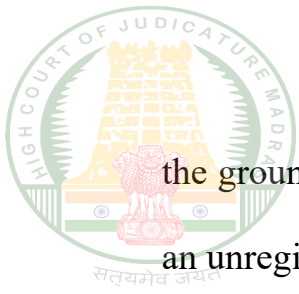
Writ petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus to call for the entire records relating to the impugned Refusal Check slip on the file of the respondent bearing Refusal number RFL/Joint Sub Registrar No.1, Erode /42/2026 dated 27.02.2026 and to quash the same and consequently direct the respondent to receive, entertain, register the gift settlement deed dated 27.02.2026 executed by the petitioner in favour of his wife Mrs.Jegathambal and return the same forthwith to the petitioner within a stipulated frame.

For Petitioner(s): Mr.S.Ranjith Kumaran
for Mr.R.Prabakar

For Respondent(s): Mr.P.Harish, GA

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 27.02.2026 issued by the respondent refusing to register the gift settlement deed dated 27.02.2026 presented by the petitioner for registration on



the ground that the parent document, namely, Will produced by the petitioner is an unregistered Will.

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2. The petitioner has challenged the impugned refusal check slip on the ground that the same has been issued by total non-application of mind to the fact that there is no legal requirement for a Will to be registered.

3. Mr.P.Harish, learned Government Advocate, accepts notice on behalf of the respondent, and on instructions, submits that apart from the reasons assigned in the impugned order, the petitioner had not produced patta for the subject property standing in his name, and therefore, on that ground as well, the gift deed presented by him cannot be registered.

4. The petitioner has challenged the impugned order not only on the ground of non-application of mind by the respondent with regard to the fact that there is no legal requirement for registration of the Will, but has also challenged the impugned order on the ground of violation of the principles of natural justice, as he was not afforded any opportunity of hearing by the respondent prior to the issuance of the impugned refusal check slip.

5. As seen from the impugned order, the contentions of the petitioner as raised in this writ petition have not been considered by the respondent. The



petitioner has also relied upon authorities as well as statutory provisions, which, according to the petitioner, make it clear that there is no legal requirement for registration of the Will. The petitioner was also not afforded any opportunity of hearing by the respondent prior to the issuance of the impugned refusal check slip dated 27.02.2026.

6. Being a non-speaking order with regard to the petitioner's contentions and the supporting documents produced by him, and an order passed in violation of the principles of natural justice, this Court is of the considered view that the impugned refusal check slip dated 27.02.2026 issued by the respondent has to be quashed and the matter remanded back to the respondent for fresh consideration on merits and in accordance with law.

7. Accordingly, this writ petition is disposed of in the following manner:-

(a) The impugned refusal check slip dated 27.02.2026 is quashed by this Court and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law.

(b) The petitioner shall submit a written explanation to the respondent stating as to why there is no legal impediment for the respondent to register the gift settlement deed dated 27.02.2026 presented by him,



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along with supporting documents, within a period of one week from the date of receipt of a copy of this order.

(c) On receipt of the same within the time stipulated, the respondent, after giving due consideration to the written explanation submitted by the petitioner along with supporting documents, shall take a final decision with regard to registration of the gift settlement deed presented by the petitioner, on merits and in accordance with law, within a period of three weeks thereafter.

(d) If the respondent decides to refuse to register the gift settlement deed, the respondent shall pass a speaking order, after giving due consideration to the contentions of the petitioner and the supporting documents produced by him.

08-04-2026

Neutral Citation: Yes/No
RKM

To
THE JOINT SUB Registrar No.1
(In the Cadre of District Registrar)
Erode District.



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ABDUL QUDDHOSE, J.

RKM

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