



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 31165 of 2026

Amaravathi

..Petitioner

Vs

1. The Sub Registrar
Sendamangalam,
Namakkal District.
2. The Inspector General of Registration
Santhome
Chennai-28
3. The Secretary
Commercial Taxes and Registration
Department
Fort St. George
Chennai-9

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned Refusal Check Slip No.RFL/Sendamangalam/Book-II/3 dated 29.06.2026 issued by the first respondent and quash the same as illegal, arbitrary, unconstitutional, and passed with patent non-application of mind and consequently direct the first respondent to receive, register, and release the Partition Deed presented by the petitioner without insisting on RBI Permission or any other clearance.

For Petitioner : Ms.S.Thankira



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For Respondents :

Ms.Anu Ganesan
Additional Government Pleader**ORDER**

Challenge made in this Writ Petition is to the Refusal Check Slip bearing No. RFL/Sendamangalam/Book-II/3 dated 29.06.2026 issued by the first respondent and to consequently, direct the first respondent to receive, register, and release the Partition Deed presented by the petitioner without insisting on RBI Permission or any other clearance

2. Learned counsel for the petitioner submitted that there are fifteen members in the family of the petitioner amongst them, two members are Sri Lankan Nationals. The family of the petitioner have several immovable and movable properties purchased by their common ancestor viz., Late Papayi @ Papayi Ammal and Late Muniyan who died intestate. Therefore, the ancestral properties were partitioned among themselves by a partition deed dated 25.06.2026 wherein the two members of the foreign nationals agreed to receive Rs.15,000/- each from the common family fund in full satisfaction of their share. Therefore, the petitioner when presented the partition deed dated 25.06.2026 before the first respondent, the first respondent refused to register the same vide Check Slip dated 29.06.2026 solely on the ground that two executants are Sri Lankan nationals and hence, they have to get prior permission



from Reserve Bank of India for acquiring or transferring any immovable property in India. The learned counsel for the petitioner further submitted that the two foreign nationals, who are the family members of the petitioner, are not transferring or acquiring any property. In fact, they are relinquishing their right over the ancestral property by receiving only a sum of Rs.15,000/- each from the common family movable fund which is not a sale consideration or consideration for transfer of any immovable property. Therefore, the refusal to register the partition deed by the first respondent is not sustainable in law. Challenging the same, the present writ petition is filed.

3. The learned Additional Government Pleader appearing for the respondents submitted that in the event if the petitioner presents the partition deed, the same will be received, processed and thereafter registered if it is in accordance with law.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Considering the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and also the fact that the partition is arrived at amongst the family members of the petitioner, of whom, two members are foreign nationals and



they have relinquished their rights over the ancestral properties, however, they received only Rs.15,000/- each from the common family fund which they are entitled to. Further, there is no statutory bar under the Indian Law or the Indian Succession Act preventing foreign nationals from inheriting or receiving their legal share in ancestral immovable and movable properties in India to the extent of his/her entitlement of share of properties. In such view of the matter, the impugned Refusal Check Slip dated 29.06.2026 refusing to register the partition deed citing the reason that the two members of the family of the petitioner are foreign nationals and they have to get permission from the Reserve Bank of India, is liable to be quashed.

6. In the light of the above discussion, the Writ Petition is allowed. The impugned Refusal Check Slip dated 29.06.2026 issued by the first respondent is quashed. The petitioner is directed to re-present the partition deed dated 25.06.2026 before the first respondent forthwith. Upon presentation of such document, the first respondent is directed to register the same within a period of one week thereafter. No costs.

07-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRM



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To

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2. The Inspector General of Registration
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KRISHNAN RAMASAMY, J.

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