

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.10.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P. No. 13785 of 2020
and
W.M.P. No. 17132 of 2020

M.Krishnappa Naiudu

...Petitioner

Vs.

1.The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028,
Tamil Nadu, India.

2.The Sub-Registrar,
Office of the Sub-Registrar Avarapakkam,
No.121, Gingee Road, Avarapakkam,
Tindivanam - 604 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus,
directing the 2nd respondent herein register the Partition Deed
dated 06.01.2020 and assign number.

For Petitioner : Mr.S.Ravichandran

For Respondents: Mr.T.M.Pappaiah
Special Government Pleader

O R D E R

This writ petition has been filed by the petitioner who is
aggrieved by the refusal check slip issued by the 2nd respondent
on 06.01.2020 and for a consequential direction to the 2nd
respondent to receive the partition deed submitted by the
petitioner and register the same and release the document.

2.Heard Mr.S.Ravichandran, learned counsel for the
petitioner and Mr.T.M.Pappaiah, learned Special Government
Pleader, appearing on behalf of the respondents.

3.It is seen from records that the partition deed that was
submitted for registration was refused to be received only on
the ground that the property has been shown as a site measuring

975 sq.m. The 2nd respondent has stated in the refusal check slip that if the property is to be registered as site which is in an unapproved layout, approval has to be obtained and till the approval is granted, the property cannot be registered in view of the bar under Section 22(A) of the Registration Act.

4.The learned counsel for the petitioner submitted that the property in question is an agricultural land and the property measures an extent of 48 cents. The learned counsel further submitted that, when the partition deed was drafted, the petitioner wanted to specify the measurement in the deed only as cents. However, since it was submitted through online, the measurement was described in terms of sq.m. This change in the mode of describing the measurement does not, in any way, change the nature of the property and it continues to be an agricultural land. The learned counsel submitted that the petitioner is willing to make the necessary changes in the document and show the measurement in terms of cents and thereafter resubmit the document before the 2nd respondent.

5.Taking into consideration the facts and circumstances of the case and also the stand taken by the petitioner, there shall be a direction to the petitioner to make necessary changes in the document and retain the original character of agricultural land and thereafter, submit the same before the 2nd respondent. The 2nd respondent shall entertain the document and register the same, if it is otherwise in order, subject to the payment of necessary stamp duty and registration fees.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mkn

To

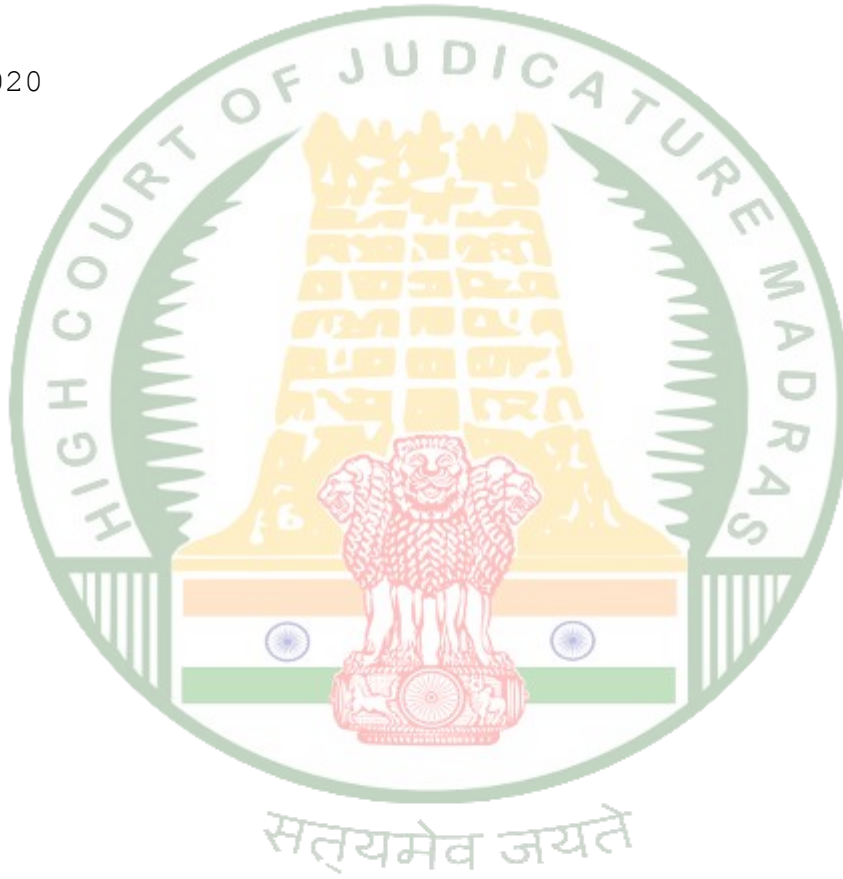
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+1 cc to the Government Pleader sr32633

W.P.No.13785 of 2020

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