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W.P.(MD)NO.205 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.205 of 2023

Ayyanar

... Petitioner

Vs.

1. The Inspector General of Registration,
O/o.Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar,
O/o.District Registrar,
Tenkasi District.
3. The Sub Registrar,
Karivalamvanthanallur Sub Register Office,
Karivalamvanthanallur,
Tenkasi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing to the 3rd respondent to register a partition deed of the petitioner in application No.S01LANDVV202212139452601, dated 13.12.2022, based on the petitioner's representation dated 28.12.2022 within a stipulated time that may be fixed by this Court.



For Petitioner : Mr.P.Ponraj

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For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner entered into a partition deed with his children. It was presented for registration. The third respondent declined to entertain the document on the ground that it will be in violation of Section 22A of the Registration Act. Challenging the stand of the third respondent, the present writ petition has been filed.

3. As rightly pointed out by the learned counsel appearing for the petitioner, the transaction has taken place only among the family members. It is also stated that the character of the property has not been changed. When it is always open to the family members to partition the agricultural land holding among themselves, this will not



constitute the developing property or forming a layout.

However, as rightly pointed out by the learned Additional Government Pleader, the document must contain a recital that the allottees will deal with the allotted shares in favour of the third parties only after getting permission from the competent authority. In other words, the agricultural lands will not be illegally converted into layouts. Before doing so, clearance from the concerned authority will have to be obtained. The petitioner is at liberty to re-present the document after incorporating the appropriate recitals in line with what has been mentioned above. If the re-presented document contains such recitals, the third respondent will receive the same, register it and release it subject to the fulfilment of the other usual formalities.

4. This writ petition stands allowed on these terms. No costs.

31.01.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

Note : Issue order copy on 01.02.2023.



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To:

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O/o.Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
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G.R.SWAMINATHAN,J.

PMU

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