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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2374 of 2025

S.Lavanya

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o. Registration Office,
Chennai – 600 028.

2.The Sub Registrar,
Sankari Sub Registrar Office,
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for records pertaining to the impugned Refusal Check slip in Refusal Number:RFL/Sankari/20/2024 dated 23.7.2024 issued by the Second respondent, quash the same consequently direct the second respondent to register the Partition Deed vide No.TP/179458090/2024.

For Petitioner : Mr.K.V.Muthu Visakan

For Respondents : Mr.M.Shajahan
Special Government Pleader for R1 & R2



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ORDER

The subject matter of challenge before this Court is a refusal Check slip dated 23.07.2024 issued by the 2nd respondent and for a consequential direction to the 2nd respondent to register the Partition Deed dated 29.04.2024, within the time frame fixed by this Court.

2.Heard Mr.K.V.Muthu Visakan, learned counsel appearing on behalf of the petitioner and Mr.M.Shajahan, learned Special Government Pleader appearing on behalf of respondents 1 & 2.

3.The specific case of the petitioner is that the subject property is an agricultural land. This property was jointly purchased by the petitioner and four others through a registered Sale Deed dated 31.01.2024. Thereafter, necessary mutation was done in the revenue records and Patta No.2878 was issued for S.No.295/8 B1. Thereafter, the joint owners decided to partition the property and accordingly, they reduced the same into writing through a Partition Deed dated 29.04.2024. When this document was presented for registration before the 2nd respondent, the 2nd respondent has refused to register the document by issuing the impugned refusal Check Slip stating that the measurement of the property in the



Partition Deed is in terms of square feet and as a result, it is sought to be converted into a house site without obtaining proper permission under the Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas), Rules 2017 (for brevity, herein after referred to as “the Rules”). Aggrieved by the same, the present writ petition has been filed before this Court.

4.This Court carefully went through the Partition Deed dated 29.04.2024. For reasons best known to the petitioner and others who entered into partition, there is not even a whisper of the fact that the property in question is an agricultural land. That apart, the property is being partitioned in terms of describing the same in square feet. In view of the same, the 2nd respondent has rightly entertained the doubt that such Partition Deed cannot be entertained for registration in view of the bar under Section 22A of the Registration Act, 1908.

5.The learned counsel for the petitioner relied upon the orders passed by this Court in W.P.No.11056 of 2024, dated 26.04.2024, wherein, this Court had held that the Registration Department can refuse to register the document only on those specified grounds mentioned in the Act and they cannot create a new ground for refusal of the document. The learned counsel submitted that just because the



description of the property has been made in terms of square feet, that by itself cannot be a ground for refusal to register the document.

6.The above submission made by the learned counsel for the petitioner will carry some force if the Partition Deed had properly described the property as an agricultural land. However, the Partition Deed is completely silent on the nature of property and hence, the only presumption that can be made is that the parties are attempting to deal with the property as an house site without proper conversion as per the Rules.

7.When the above was pointed out to the learned counsel for the petitioner, the learned counsel submitted that the parties will entered into a Partition Deed by properly describing the property as an agricultural land and thereafter, present the same for registration. In view of the above, this Court does not find any ground to interfere with the refusal Check Slip issued by the 2nd respondent dated 23.07.2024. It is left open to the parties to properly describe the property that is being partitioned among the parties as an agricultural land and the said document can be presented for registration with a specific clause stating that the property is being partitioned only by retaining the original status of the property as an agricultural



land. If that is done, even if the properties are partitioned by measuring it in terms of square feet, the same cannot be a bar for the 2nd respondent to entertain the document and to register the same, if it is otherwise in order.

8. Considering the above, this writ petition is disposed of with a direction to the petitioner to present the document for registration in terms of the observations made by this Court, before the 2nd respondent and the same shall be entertained and registered, if it is otherwise in order. No Costs.

03.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

SSI

To

- 1.The Inspector General of Registration,
O/o. Registration Office,
Chennai – 600 028.
- 2.The Sub Registrar,
Sankari Sub Registrar Office,
Salem District.

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