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W.A. No.3156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A. No.3156 of 2024
and
C.M.P. No.24225 of 2024

- 1.The Inspector General of Registration,
100, Santhome High Road,
R.A. Puram, Chennai – 600 028.
- 2.The Deputy Inspector General of
Registration, Veppamarasalai, Velppadi,
Vellore Region, Pin – 631 001.
- 3.The District Registrar (Administration)
(in the capacity of Assistant Inspector
General of Registration)
O/o.The District Registrar,
Vellore Fort Complex,
Vellore – 632 004.
- 4.The Sub Registrar,
Pernampet,
No.12, Pandian Street,
Thiru.Vi.Ka. Road,
Pernampet,
Vellore – 635 810.

... Appellants

Vs.

- 1.C.S.Umai Maimuna
- 2.C.S.Umai Zainab



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3.C.S.Hmai Habiba
4.C.S.Mohammed Usman
5.C.S.Umai Salma
6.C.S.Umai Kulsum

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 11.06.2024 made in W.P. No.20603 of 2023.

For Appellant : Mr.U.Baranidharan,
Special Government Pleader

For Respondents : Mr.V.Raghavachari,
Senior Counsel
for Ms.V.Srimathi for R6
No appearance for R1 to R5

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Under assail is the writ order dated 11.06.2024 passed in W.P.No.20603 of 2023.

2. State preferred the present intra-court appeal mainly on grounds that the subject property involved in the partition deed presented by the respondents for registration has been notified as forest land under the Tamil Nadu Preservation of Private Forests Act, 1949. A perusal of North Arcot District Gazette dated 05.05.1979 notified by the Collector of the District would show that in exercise of the powers conferred under Section 1-iii of the Tamil



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Nadu Preservation of Private Forests Act, 1949, the Collector, North Arcot declares the private forest specified in the schedule property is the forest for the purpose of the said Act. The schedule indicates Survey Nos.778 and 779/1 to an extent of 1401.39 acres and the names of the registered holders are (i)Muhamad Siddique Sahib, (ii)Abdulla Bahsha Sahib, (iii)Alia Bee Bee, (iv)Bee Bee John and (v)Jailunnisa Bee Bee. That apart, the Tahsildar has given a petition under Section 22A of the Registration Act not to entertain any document for registration. The said petition was sent by the Tahsildar, Pernampet on 13.04.2008 to the Sub Registrar, Pernampet. Thus the refusal check slip was issued in accordance with Section 22A of the Registration Act. It is contended that the revenue officials or the forest officials are not parties to the suit instituted between the private parties for partition. A perusal of the decree would indicate that it is a family partition. Therefore, the said decree *per se* would not provide a cause for registration. It is not the case where the decree has been presented for registration but subsequent partition deed executed between the family members is presented for registration. Thus the reason stated for refusal is in consonance with the provisions of the Registration Act.

3. Learned senior counsel appearing on behalf of the sixth respondent would oppose by stating that the registering authority has no power to refuse registration in the present case since the partition deed has been presented



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based on the decree of the civil Court in O.S.No.8937 of 2011. In the partition suit, final decree has been passed on 03.09.2018 by the VI Additional City Civil Court, Chennai. Therefore, the registration of partition deed subsequently presented between the family members cannot be refused. The writ Court also considered the fact that it is a basic principle that the documents presented based on a civil Court decree is to be registered. Thus the direction issued by the writ Court is in accordance with law.

4. This Court heard the submissions made between the parties to the *lis* on hand.

5. Let us consider the relief sought for in the writ proceedings at the first instance. A writ petition for issuance of a mandamus has been filed by the respondents seeking a direction to the District Registrar (Administration) to consider the representation of the petitioner dated 17.04.2022 and issue necessary orders to the Sub Registrar to register the partition deed dated 17.02.2022. In the present case, the registering authority has issued a refusal check slip and in response, the respondents have not submitted any explanation or reply to the reasons stated in the refusal check slip. Contrarily, they have preferred an appeal without noticing the reasoned order from the registering authority.



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6. On presentation of a document for registration, the registering authority scrutinises the same. If a refusal check slip is issued, the presentant of the document is at liberty to submit reply/explanation in response to the reasons stated in the refusal check slip. Thereafter, an enquiry is to be conducted by the registering authority by affording opportunity to the presentant of the document and a reasoned order is to be passed under Section 71 of the Act. The said order is appealable under Section 72 of the Registration Act. Thus, the procedures contemplated under the Registration Act is to be scrupulously followed. Mere issuance of refusal check slip would provide no cause for institution of writ proceedings. It cannot be construed as a final adjudication under the Registration Act. Only after concluding adjudication by the registering authority, an appeal would lie under Section 72 of the Registration Act and the said alternative remedy contemplated is to be exhausted by the presentant of the document before institution of writ proceedings.

7. Disputed facts relating to an instrument/document presented for registration cannot be adjudicated in a writ proceedings under Article 226 of The Constitution of India. Such an adjudication requires consideration of the explanations given by the presentant of a document. When an enquiry is to be conducted by the registering authority at the first instance, challenging the refusal slip or submitting a representation to the District Registrar is improper,



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since a complete adjudication of a dispute is essential for the purpose of ascertaining the rights of the parties to register a document under the Registration Act.

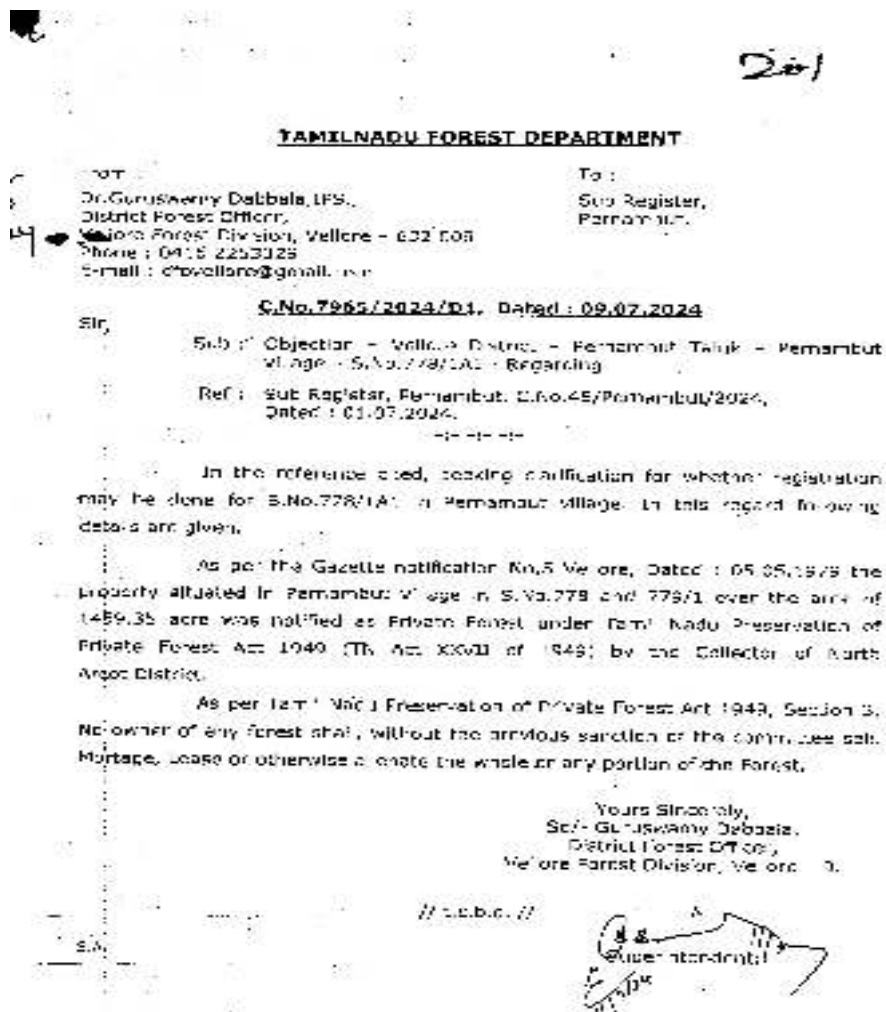
8. In the present case, a perusal of the document would show that the partition suit has been instituted between family members of respondents in O.S. No.8937 of 2011 on the file of the VI Additional City Civil Court at Chennai. The final decree would show that one item of the property alone situate in Purasawalkam, Chennai and all other properties situate at Pernampet Village, Gudiyatham Taluk, Vellore District and the total extent of the property in the said village is 193.95 acres out of 1278.08 acres. Therefore, this Court has to examine the other documents, wherein the Tahsildar has verified the records and issued a reply to the Sub Registrar. The Tahsildar vide letter dated 01.07.2024 has stated that the subject property involved in the partition deed presented for registration is falling under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (hereinafter 'Land Ceiling Act'). No exemption has been granted by the Government in respect of the said land. The Tahsildar has clearly stated that in the absence of any exemption from the Land Ceiling Act, registration of partition deed is impermissible.

9. The Revenue Divisional Officer, Gudiyatham, in his letter dated 02.07.2024 reiterated that Survey no.778/1A1, Pernampet Village, Vellore



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District is falling under the Land Ceiling Act and the application submitted seeking exemption is pending before the Government. Pertinently, the District Forest Officer, Vellore Forest Division addressed a letter dated 09.07.2024 to the Sub Registrar, Pernampet and a scanned reproduction of the same is as follows:





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10. The respondents have not shown any other document except the partition decree executed between the family members and the partition deed presented for registration. Except the said documents, no other document has been filed by the presentant. Therefore, the authorities have written a letter to the Tahsildar, Revenue Divisional Officer and the District Forest Officer and sought for clarification.

11. The respondents have not taken initiative to submit their explanation initially to the registering authority in response to the refusal check slip issued. Contrarily, they have preferred a representation to the District Registrar (Administration), which is not entertainable. At the first instance, the registering authority has to conduct an enquiry if any explanation/documents have been received from the presentant of the document. After passing a reasoned order by the registering authority under Section 71 of the Act, the said order may be taken by way of an appeal before the District Registrar (Administration) under Section 72 of the Registration Act. None of these procedures have been followed by the respondents before approaching the writ Court. The District Registrar (Administration) in response to the representation issued a letter dated 31.05.2022 addressed to the Sub Registrar, Pernampet asking the Sub Registrar to communicate further details regarding the Land Ceiling Act and other details.

12. Section 22A of the Registration Act provides refusal to register



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certain documents. If the said property belongs to the State Government or the local authority. In the event of receiving any petition from any Government authority, the registering authority is empowered to refuse registration by invoking the provisions contemplated under Section 22A of the Registration Act. In the present case, the Tahsildar and Revenue Divisional Officer have stated that the subject land is falling under Land Ceiling Act and no exemption has been granted by the Government. The District Forest Officer, Vellore Forest Division also intimated that the subject land has been declared as forest under Section 3 of the Tamil Nadu Preservation of Private Forests Act, 1949. Therefore, the reasons stated for non-registration in the context of Section 22A of the Registration Act is in accordance with the provisions of the Act.

13. In view of the reasons stated above, the writ order dated 11.06.2024 in W.P. No.20603 of 2023 is set aside and the writ appeal is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S, J.]

16.10.2025

[M.S.Q, J.]

Index:Yes/No

Neutral Citation:Yes/No

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**S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.**



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