



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 46719 of 2025

Palanigounder @ Palaniappan
S/o. Mr. Edumba Gounder,
No.1/59/1/81 Marriamman Koil Street,
Jagirreddypatti-636302, Salem Taluk,
Salem District.

Petitioner(s)

Vs

1. The Inspector General Of Registration
Registration Department, Santhome,
Chennai-600 004

2.The District Registrar
Registration Department, Salem West,
Salem District.

3.The Sub-registrar
Suramangalam Sub-registrar Office,
Suramangalam, Salem District.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Slip dated 10.06.2025 in Refusal No.RFL/Suramangalam/179/2025 issued by the 3rd Respondent and quash the same, and Consequently direct the 3rd Respondent to register the Settlement Deed of the Petitioner dated 10.06.2025 in respect of his property in Survey No.48/8A (New S.No.48/8A1A) measuring to an extent of 19 3/4 cents, situated at Sarkkar Kollapatti Village, Salem West Taluk, Salem District



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For Petitioner(s): M/s. M.R. Jothimanian

For Respondent: Mr.U.Baranidharan, SGP

ORDER

This writ petition has been filed challenging the impugned Refusal Slip dated 10.06.2025 issued by the 3rd respondent.

2. Mr.U.Baranidharan, learned Special Government Pleader, takes notice on behalf of the respondents.

3. By consent of the parties, the main petition is taken up for disposal at the stage of admission itself.

4. The learned counsel for the petitioner would submit that in this case, originally, the subject lands were owned by the petitioner's father. Thereafter, the petitioner had acquired the subject lands by way of succession/family partition from his father. However, patta of the said lands were not transferred in the petitioner's name. Under these circumstances, now the petitioner had decided to settle the subject lands to and in favour of his daughter vide settlement deed dated 10.06.2025. When the said settlement deed was presented before the respondent for the purpose of registration, the respondent had refused



to register the same vide the refusal check slip dated 10.06.2025 by stating that no patta was issued in the name of the petitioner. Further, he would contend that patta is not a title of the property and hence, the reason assigned by the 3rd respondent is totally unsustainable in law. Hence, this petition has been filed.

5. The learned Special Government Pleader appearing for the respondents would fairly submit that the production of patta copy at the time of registration is not necessary and patta is not a title of the property. However, he would submit that the petitioner had not paid the entire stamp duty, due to which, the respondents were not in a position to register the settlement deed of the petitioner. Hence, he requests this Court to pass appropriate orders.

6. In reply, the learned counsel for the petitioner would submit that the petitioner is ready and willing to pay the deficit stamp duty, if any, and hence, he requests this Court to set aside the impugned refusal check slip issued by the 3rd respondent.

7. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and also perused the entire materials available on record.



8. In the case on hand, the petitioner's settlement deed was presented before the 3rd respondent for the purpose of registration. However, the 3rd respondent had refused to register the same by citing the reason that no patta is available in the petitioner's name.

9. As rightly contended by the petitioner, patta is not a title of the property and also there is no necessity to produce the patta copy at the time of registration. In such case, the reason assigned by the respondent for refusal of registration is not sustainable in law.

10. As far as the shortage in payment of stamp duty is concerned, the petitioner had submitted that he is ready and willing to pay the deficit stamp duty, if any. When such being the case, this Court is inclined to set aside the refuse check slip issued by the 3rd respondent.

11. Accordingly, the impugned refusal check slip is set aside. The petitioner is directed to re-present the settlement deed dated 10.06.2025 before the 3rd respondent. In such case, the 3rd respondent shall ensure with regard to the payment of deficit stamp duty, if any, and thereafter, register the petitioner's settlement deed, if it is otherwise in order.



12. With the above directions, this writ petition is disposed of. No cost.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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Registration
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KRISHNAN RAMASAMY J.
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