



W.P(MD)No.6533 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.03.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.6533 of 2025

K.Bharath Kumar

..Petitioner

Vs

The Sub Registrar of Registration,
Andipatti,
Theni District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned refusal check slip issued by the respondent in Na.Ka.No.97/2025 dated 04.03.2025 and quash the same and consequently direct the respondent to register the partition deed dated 04.03.2025 of the petitioner within the stipulated time.

For Petitioner : Mr.C.Jeganathan
For Respondents : Mr.P.T.Thiraviam
Govt. Advocate



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ORDER

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This writ petition is filed to quash the impugned refusal check slip issued by the respondent in Na.Ka.No.97/2025 dated 04.03.2025 and direct the respondent to register the partition deed dated 04.03.2025 of the petitioner within the stipulated time.

2. The petitioner together with one Kamatchiammal and Sendrayan purchased a punja land to an extent of 13½ cents comprised in S.No.347/5C2 situated at Vallalnathi Village, Andipatti Taluk, Theni District, by way of a registered sale deed dated 10.12.2024. The said sale deed is registered as Doc. No.7738/2024. After purchase, the three purchasers, namely, the writ petitioner (K.Bharathkumar), Kamatchiammal and Sendrayan decided to partition the property among themselves by allotting to each of them an extent of 2.75 cents, 3.75 cents and 5.30 cents respectively. The partition deed was presented for registration. The respondent refused to register the same. Challenging the same, the present writ petition.

3. Heard Mr.C.Jeganathan, for the petitioner, and Mr.P.T.Thiraviam, learned Government Advocate for the respondent.



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4. Mr.C.Jeganathan points out that the road, which has been pointed out in the impugned order, lies on the eastern side of the property and has not been formed by the writ petitioner or by other co-owners of the property. It is a road created by the State of Tamil Nadu for providing access to the Government Higher Secondary School situated adjacent to the property, purchased by the petitioner and other co-owners. Hence, he pleads that the impugned order, citing as if the petitioner had created a road, is absolutely erroneous and seeks to quash the impugned order.

5. Mr.P.T.Thiraviam points out that as the road has been set apart in the partition deed, it amounts to the conversion of agricultural land into plots. Therefore, the impugned order is perfectly justified, as the partition deed is hit under Section 22A of the Registration Act.

6. I have considered the submission of both sides.

7. At the outset, I should point out that for Section 22A to apply, the instrument presented for registration should be a transfer of ownership. The document produced by the petitioner is not a document of transfer of



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ownership. By virtue of the purchase made by the writ petitioner along with

Kamatchiammal and Sendrayan on 10.12.2024, each of them has become co-owners of the property. In fact, on the strength of the said document, the revenue records were mutated in the name of all three persons. A partition deed allots specific portions of the property owned in common. It is too well settled yet, I have to reiterate that the partition deed cannot be treated as a document of title or a document evidencing transfer of ownership. Hence, section 22A(2) does not apply.

8. Even if I were to assume that the partition deed is a document of title, which I am hastening to add, it is not still the impugned order cannot be sustained. This is for the simple reason that “வண்டிபாதை” referred to in the impugned order has not been created by the writ petitioner or by other co-owners. It has been created by the Government for the purpose of giving access to the Government Higher Secondary School adjacent to the property.

9. As Section 22A do not apply to the fact of this case, the impugned refusal check slip issued by the respondent in Na.Ka.No.97/2025 dated 04.03.2025 is quashed. The writ petition is allowed. There shall be a direction to the respondent to register the partition deed dated 04.03.2025 presented by



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the petitioner, Kamatchiammal and Sendrayan, within a period of three weeks

from the date of receipt of a copy of this order. No costs.

11.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

The Sub Registrar of Registration,
Andipatti,
Theni District.



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V.LAKSHMINARAYANAN, J.

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