



W.P(MD)No.26391 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.26391 of 2023

Mayachandran

... Petitioner

Vs

1.The Inspector General of Registration,
Department of Registration,
No.120, Santhome High Road,
Madaveli,
Chennai – 28.

2.The District Registrar,
Office of the Registration Department,
Palayamkottai,
Tirunelveli District.

3.The Sub Registrar,
Kaluzhumalai Sub Registrar Office,
Kaluzhumalai,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned check slip dated 07.08.2023 issued by the third respondent as illegal, quash the same and consequently direct the third respondent to receive the petitioner's partitioned deed document dated 07.08.2023.

For Petitioner : Mr.V.Muthuvelan

For Respondents : Mr.M.Sarangan
Additional Government Pleader



W.P(MD)No.26391 of 2023

ORDER

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This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the third respondent dated 07.08.2023 thereby refusing to register the partition deed which was presented for registration dated 07.08.2023.

2.The punja property comprised in Survey No.986 situated at Palazhankottai Village to an extent of 3 acres 12 cents on the western side of 4 acres were settled in favour of the petitioner, Subramaniyan Chandran, Karuppasamy and Muthusamy by their father by the registered settlement deed dated 08.12.2003 vide Document No 1354 of 2003. In pursuant to the settlement deed they were issued joint patta. While being so, one of his brothers applied for a separate patta and it was not considered. Therefore, the petitioner filed a Writ Petition before this Court in W.P(MD)No.9800 of 2023 seeking a separate patta and the same was issued. In pursuant to the issuance of patta, one of his brothers had executed a settlement deed in favour of his son and the same was registered vide Document No.1721 of 2013 on 19.07.2013. In order to subdivide the total extent of the property, the petitioner



W.P(MD)No.26391 of 2023

and his brothers had entered into a partition deed dated 07.08.2023 and they had partitioned the subject property in which the petitioner was allotted his respective share. The said partition deed was presented for registration before the third respondent. However, the third respondent refused to register the same on the ground that the parties were required to pay excess fee in the name of plot charges.

3. Admittedly, the said property is an agricultural land. All four brothers had partitioned the subject property into four shares. Each of them was allotted 77 cents. Therefore it cannot be said that it is an unapproved plot and there is a bar under Section 22A(2) of the Registration Act. In view of the above, the refusal check slip issued by the third respondent dated 07.08.2023 is liable to be quashed and the same is quashed. The petitioner is directed to represent the partition deed for registration before the third respondent and on receipt of the same, the third respondent is directed to register and release the same forthwith, if it is otherwise in order.



W.P(MD)No.26391 of 2023

4.With the above direction, this Writ Petition is allowed.

There shall be no order as to costs.

20.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P(MD)No.26391 of 2023

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To

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W.P(MD)No.26391 of 2023

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.26391 of 2023

20.01.2025