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WP No. 12774 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 12774 of 2026

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..Petitioner(s)

Vs

1. The Inspector General of Registration
Registration Department,
Government of Tamil Nadu,
Santhome,
Chennai-600 004.

2. The Sub Registrar
Joint- 1, Sub Registrar Office,
Salem East, Salem District.

..Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus to call for the records of the Impugned refusal Check Slip issued by the 2nd respondent in Refusal No.RFL/ JOINT No.1 SUB REGISTRAR SALEM EAST / 27/ 2026 dated 16.02.2026 and quash the same and Consequently direct the 2nd respondent to register Partition deed dated 13.02.2026 for its registration forthwith.

For Petitioner(s):

Mr.M.R.Jothimanian
for M.R.Elavarasan

For Respondent(s):

Mr.P.Harish, GA

**ORDER**

This writ petition has been filed challenging the impugned refusal check slip dated 16.02.2026 issued by the second respondent refusing to register the partition deed dated 13.02.2026 presented by the petitioner for registration.

2. The petitioner and his co-owners, namely, Maheswari, Sri Aravindrajan and Koperundevi, jointly purchased a large extend of the land under a sale deed dated 26.03.2024 registered as Document Nos.1519 and 1520 of 2024. The patta for the said larger extent of the land also stands in the name of the purchasers under the sale deed dated 26.03.2024. The petitioner contends that he and his co-owners are in joint possession and enjoyment of the subject property.

3. According to the petitioner, due to the family circumstances and difference of opinion amongst the co-owners, the petitioner and his co-owners have decided to enter into a partition deed. The partition deed dated 13.02.2026 was presented by the owners for registration before the second respondent on 16.02.2026. However, the second respondent has refused to register the partition deed dated 13.02.2026 by issuing the impugned refusal check slip dated 16.02.2026 stating that since the subject land is an unapproved land, the document presented by the petitioner cannot be registered as per the provisions of Section 22-A(2) of the Registration Act, 1908.



4. The petitioner categorically contends that the bar under Section 22-A(2) of the Registration Act is only with regard to unapproved layout, which was formed without the permission of the competent authority for development. According to the petitioner, the subject property was jointly purchased by the petitioner and his co-owners, and, due to difference of opinion among themselves, they decided to execute a partition deed dated 13.02.2026. According to the petitioner, there is no legal impediment for the second respondent to register the document as it is not in violation of Section 22-A(2) of the Registration Act. The petitioner has challenged the impugned order on the ground of violation of the principles of natural justice and that the same has been issued by total non-application of mind to the petitioner's contentions as raised in this writ petition.

5. Mr.P.Harish, learned Government Advocate, accepts notice on behalf of the respondents.

6. As seen from the impugned refusal check slip dated 16.02.2026, the petitioner's contentions as raised in this writ petition have not been considered by the second respondent. The authorities relied upon by the learned counsel for the petitioner have also not been considered by the second respondent. The petitioner was also not afforded any opportunity of hearing by the second respondent before issuing the impugned refusal check slip dated 16.02.2026.



7. Being a non-speaking order with regard to the petitioner's contentions and the supporting documents produced by him, and an order passed in violation of the principles of natural justice, this Court is of the considered view that the impugned refusal check slip dated 16.02.2026 issued by the second respondent has to be quashed and the matter remanded back to the second respondent for fresh consideration on merits and in accordance with law.

8. Accordingly, this writ petition is disposed of in the following manner:-

(a) The impugned refusal check slip dated 16.02.2026 is quashed by this Court and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law.

(b) The petitioner shall submit a written explanation to the second respondent stating as to why there is no legal impediment for registering the partition deed dated 13.02.2026 along with supporting documents, within a period of one week from the date of receipt of a copy of this order.

(c) On receipt of the same within the time stipulated, the second respondent, after giving due consideration to the written explanation submitted by the petitioner along with supporting documents, shall take a final decision as



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to whether the partition deed dated 13.02.2026 presented by the petitioner can be registered or not, within a period of three weeks thereafter.

(d) In case the second respondent decides to refuse to register the partition deed, the second respondent shall pass a speaking order, after giving due consideration to the contentions of the petitioner and the supporting documents produced by him.

No Costs.

08-04-2026

Neutral Citation: Yes/No
RKM

To

1. The Inspector General of Registration
Registration Department,
Government of Tamil Nadu,
Santhome,
Chennai-600 004.
2. The Sub Registrar
Joint- 1, Sub Registrar Office,
Salem East, Salem District.



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ABDUL QUDDHOSE, J.

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