



W.P(MD)No.27187 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27187 of 2023

1.G.Mathivanan

2.G.N.Annadurai

... Petitioners

Vs.

1.The District Registrar,
Palayamkottai District Registrar Office,
Palayamkottai,
Kokkirakulam,
Tirunelveli.

2.The Sub Registrar,
Murappanadu Sub Registrar Office,
1/34, Sub Registrar Office Road,
Maruppanadu,
Srivaikundam Taluk,
Tuticorin District – 628 252.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to entertain the Documents presented by the petitioner for



W.P(MD)No.27187 of 2023

registration on ensuring that the petitioner is dealing with the property only as a punja land in respect of the Properties in S.No.237/1 in Manakkarai Village, Srivaikundam Taluk, Tuticorin District in an extent of 2 Acre 29.68 Cents and S.No.238/1B1 in Manakkarai Village, Srivaikundam Taluk, Tuticorin District an extent of 28.24 Cents Lands in S.No.688/1A1A1A in Keelavallanadu Village, Srivaikundam Taluk, Tuticorin District to an extent of 6 Acres 44.99 Cents and S.No.679/2 in Keelavallanadu Village, Srivaikundam Taluk, Tuticorin District in an extent of 1 Acre 53 cents and register the same within the time frame stipulated by this Court.

For Petitioners : Mr.M.Mahaboob Fazil

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Heard both sides.

2. The petitioners' grievance is that when they presented documents pertaining to the petition mentioned properties in three parcels, the authority declined to entertain the same and insisted that the petitioners must obtained DTCP approval for layout and only thereafter present the documents.

2/5



W.P(MD)No.27187 of 2023

3. The learned Government Advocate on the other hand would contend that the writ petition has been prematurely filed and that till date no document has been presented.

4. The learned counsel appearing for the petitioners states that the petitioners were shown the door at the threshold itself and that therefore they are not in a position to produce any refusal check slip. He pointed out that the total extent of lands is around 10 acres and that they proposed to sell it in three parcels. It is made clear that the present classification of the lands is agricultural in character and that the petitioners want to alienate the same as agricultural lands.

5. If that be so, no exception can be taken to the same. The registering authority cannot insist that the petitioner must obtain DTCP approval when they want to sell the land only as agricultural land. My attention is drawn to the order dated 20.04.2021 made in W.P(MD)No. 259 of 2021 (R.Rajagopal Vs The District Registrar & Another). A learned Judge of this Court had held that no landowner can be prevented from dealing with his property as punja land and as such



W.P(MD)No.27187 of 2023

intervention would be violative of the constitutional right under Article 300A. It was held that the bar that is imposed for registration of unapproved lands cannot be extended to prevent the owner of the property from dealing with the property in its original form. When the petitioners made it clear that the property is not going to be developed as piece of real estate and that it is going to be dealt with only as a punja land, the second respondent cannot have any objection.

6. With these observations, this writ petition is disposed of. There shall be no order as to costs.

15.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The District Registrar,
Palayamkottai District Registrar Office,
Palayamkottai,
Kokkirakulam,
Tirunelveli.

4/5



WEB COPY



W.P(MD)No.27187 of 2023

G.R.SWAMINATHAN, J.

MGA

2.The Sub Registrar,
Murappanadu Sub Registrar Office,
1/34, Sub Registrar Office Road,
Maruppanadu,
Srivaikundam Taluk,
Tuticorin District – 628 252.

W.P(MD)No.27187 of 2023

15.11.2023