



WEB COPY



W.P. No.18830 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P. No.18830 of 2024

K.Paranthaman

.. Petitioner

Versus

1.The District Registrar
Thiruvarur District
Thiyagarajapura Agraharam
Vijayapuram
Thiruvarur - 610 001

2.The Sub Registrar
Ullikkottai Sub Register Office
Mannargudi
Tiruvarur District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Refusal order in RFL/Ullikkottai/29/2024 dated 29.04.2024 of the 2nd respondent, to quash the same and to consequently direct the 2nd respondent to register the sale deed vide TP/170602610/2024.

For Petitioner : Mr.K.Jayaraman

For Respondent : Mr.M.Shajahan
Special Government Pleader for R1 & R2

ORDER



W.P. No.18830 of 2024

WEB COPY

This writ petition has been taken up for final disposal at the stage of admission itself.

2. Challenge has been made to the refusal order passed by the second respondent in RFL/Ullikkottai/29/2024 dated 29.04.2024, quash the same and consequently direct the 2nd respondent to register the sale deed presented vide TP/170602610/2024.

3. It is the case of the writ petitioner that when he presented a sale deed in respect of the property derived from his mother and brother, the same has been refused to be registered mainly on the ground that since there is an agreement between the petitioner and his brother for carving out a pathway in the land. What was sought to be registered is only an agricultural land. When the family members for their convenience made some arrangements for pathway, it cannot be construed that, it is only a house site. Therefore, the bar under Section 22-A of the Registration Act, cannot be applied to the case on hand. When the document is sought to be registered as agricultural land, the same cannot be refused to be registered citing Section 22-A of the Act. This has

been held so in ***Subramani vs. The Sub Registrar, Rasipuram and others in***

<https://www.mhc.tn.gov.in/judis>



W.P. No.18830 of 2024

W.P. No.11056 of 2024 Dated 26.04.2024. Paragraph 23 of the order reads thus:

"23. Similarly, this court has also come across various instances of refusal of documents citing that road has been formed in the particular survey number, therefore, it should be treated as house sites, even though the agricultural land is sought to be transferred. This court is of the view that merely because some portion of the land in particular survey number sold as house sites earlier, when the remaining land remained as an agricultural land and no lay out has been formed in the survey number with the approval of the competent authorities, merely because some portion of the land is sold earlier as house sites, there is no bar for registering agricultural lands."

4. In this regard, pursuant to the orders of this court, the Inspector General of Registration, has issued a Circular in No.22482/C1/2022 dated 12.07.2024 to the Registering Authorities. In such view of the matter, the Refusal order of the second respondent is liable to be quashed.

5. Accordingly, this writ petition is allowed. The impugned order of the



W.P. No.18830 of 2024

second respondent in RFL/Ullikkottai/29/2024 dated 29.04.2024 is quashed.

There shall be a direction to the second respondent to register the document within a week from the date of receipt of a copy of this order. No costs.

16.07.2024

Asr

Neutral Citation : Yes/No

To,

1.The District Registrar
Thiruvarur District
Thiyagarajapura Agraharam
Vijayapuram
Thiruvarur - 610 001

2.The Sub Registrar
Ullikkottai Sub Register Office
Mannargudi
Tiruvarur District

3.The Government Pleader
High Court, Madras

N. SATHISH KUMAR, J.



WEB COPY



W.P. No.18830 of 2024

Asr

W.P. No.18830 of 2024

16.07.2024