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W.P.No.26243 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26243 of 2024

G.Shanmugam

... Petitioner

Vs.

The Sub Registrar,
Magudanchavadi SRO,
Salem District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the impugned Refusal Check Slip in RFL/Magudanchavadi/253/2024, dated 24.08.2024 passed by the respondent, quash the same and consequently, direct the respondent to register the partition release deed dated 24.08.2024 executed in his favour in respect of 85 1/2 cents comprised in S.F.No.38/3A1A1A, Kandarkulamanickam Village, Sankari Taluk, Salem District.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.M.Shahjahan
Special Government Pleader



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ORDER

Aggrieved by the impugned Refusal Check Slip issued by the respondent, the petitioner has come by way of this writ petition.

2. It is the case of the petitioner that an extent of 1.56 acres in S.F.No.38/3A1A1A, Kandarkulamanickam Village, Sankari Taluk, Salem District, originally belongs to petitioner's grandfather viz., Varudhappa Gounder, he died in the year 2000 leaving behind him, his daughters viz., Pavayee, Rajammal and Amutha and petitioner as his legal representatives.

3. The above said Rajammal, Amutha and legal representatives of predeceased son of V.Ganesan executed a release deed in favour of petitioner releasing their undivided 3/4th share under release deed dated 24.08.2024. It is asserted by the petitioner that the subject lands are agricultural lands and the same is described as such in the release deed. The subject property is described as agricultural land in the release deed executed in favour of the petitioner and the same was presented for registration before the respondent. However, the respondent refused the registration, since the



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petitioner failed to produce approval order from the planning authority.

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4. If the said property is described as house site in the document, the respondent is entitled to rely on Section 22-A (ii) of Registration Act and insist for production of approval order from planning authority. On the other hand, the subject property is described as agricultural property in the document. Any document involving transfer of agricultural lands is not hit by Section 22-A of Registration Act. Therefore, the impugned order passed by the respondent is unsustainable and accordingly, the same is quashed.

5. The writ petitioner is directed to represent the document before the respondent within a period of two weeks from the date of receipt of copy of this order and the respondent shall register the same, if it is otherwise in order.

6. Accordingly, this writ petition stands disposed of. No costs.



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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

The Sub Registrar,
Magudanchavadi SRO,
Salem District.

S.SOUNTHAR, J.

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