



W.P.(MD)No.23947 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23947 of 2024

and

W.M.P(MD).Nos.20284 and 20285 of 2024

T.Selvam

. .. Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhom High Road,
Chennai 600 028.

2.The District Registrar,
Kanyakumari District at Nagercoil.

3.The Sub Registrar,
Eraniel, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent Sub Registrar, Eraniel in No.275/2024 dated 13.06.2024 quash the same and further direct the respondents to register the sale deed dated 13.05.2024 on the file of the third respondent office considering 8.545 cents of land in R.S.No.80/7C1A of Aloor B Village, Kanyakumari DISTRICT as agriculture land.



W.P.(MD)No.23947 of 2024

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenging the impugned proceedings issued by the third respondent Sub Registrar, Eraniel in No.275/2024 dated 13.06.2024, this writ petition has been filed.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he purchased the land having an extent of 8.545 cent, out of total extent of 1 acre and 28 cents in R.S.No.80/7C1A of Aloor B Village, Kanyakumari District, from one D.Abraham Nelson Asir, for agricultural purpose. In this regard, when the document was presented for registration, the same was declined to entertain by the third respondent citing Section 22(A) of the Registration Act.



W.P.(MD)No.23947 of 2024

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4. It is brought to the notice of this Court that the learned Judge of this Court, by order dated 15.04.2021 in W.P(MD).No.7801 of 2021 (T.Maragathamani Vs., the District Registrar, Combined District Registration Building Campus, Thoothukudi, Thoothukudi DISTRICT & Another), has held that Section 22A can be invoked only if the subject matter of transaction is a housing plot. If a person wants to buy a piece of land as agricultural land, Section 22A of the Registration Act, 1908 cannot be come in the way. If the sale deed executed in favour of the petitioner mentions the character of land as an agricultural land, then the registering authority cannot have any objection. The petitioner however is restrained from putting up any construction in the land purchased by him without getting approval from the competent authority. In other words, he can use land for agricultural purposes, but he can develop it only in accordance with law.

5. In view of the above, as the petitioner purchased the land only for agricultural purpose, the impugned order cannot be sustained in the eye of law. Accordingly, the impugned order passed by the third respondent in No.275/2024 dated 13.06.2024 is hereby quashed and this Writ Petition is **allowed**. The third respondent is directed to register the



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W.P.(MD)No.23947 of 2024

N.SATHISH KUMAR, J.

Rmk

petition mentioned document within a week from the date of receipt of a copy of this order. Usual formalities shall be complied with. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.10.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

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3.The Sub Registrar,
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W.P.(MD)No.23947 of 2024