



W.P(MD)No.24651 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24651 of 2023

and

W.M.P(MD)No.20849 of 2023

S.Sujith Pravin

... Petitioner

Vs.

**1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.**

**2.The District Registrar,
Nagercoil,
Kanyakumari District.**

**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 Mandamus, directing the
respondents to register the Sale Deed dated 07.08.2023 on the file of the
third respondent office, and return the same to the petitioner considering**

1/6



W.P(MD)No.24651 of 2023

9.302 cents of land in R.S.No.80/7 of Aloor B Village, Kanyakumari District as agriculture land within a reasonable time as may be specified by this court, pending disposal of the writ petition.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner herein wants to purchase the petition mentioned land measuring little over 9 cents in R.S.No.80/7 in Nallur Village in Kanyakumari Distirct. One Abraham Nelson Aasir had executed sale deed dated 07.07.2023 in favour of the petitioner. The document was presented for registration before the third respondent. The third respondent declined to entertain the document citing Section 22 (A) of the Registration Act, 1908. However, no formal refusal check slip was issued. Challenging the stand of the third respondent, the present writ petition came to be filed.



W.P(MD)No.24651 of 2023

WEB COPY

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The third respondent has filed counter affidavit and the learned Additional Government Pleader took me through its contents. The specific stand of the respondents is that the petitioner has purchased an unapproved housing plot and registering such document would run counter to public policy as laid down in the aforesaid provision.

5. The third respondent conducted field inspection and categorically states that the petitioner's claim that he proposed to purchase the land for agricultural purposes is false. The respondents want me to dismiss the writ petition.

6. I carefully considered the rival contentions and went through the materials on record.



W.P(MD)No.24651 of 2023

WEB COPY

7. The learned counsel appearing for the petitioner produced copy of the settlement deed dated 10.11.2014 executed by his vendor in favour of his wife. The said settlement deed includes the property now sold in favour of the petitioner herein. Thereafter, the said wife had reconveyed the property in favour of the petitioner's vendor. The case of the petitioner is that out of a larger extent, an extent of 9.302 cents has been carved out and sold in favour of the petitioner. My attention is drawn to the 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). A learned Judge of this Court 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 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



W.P(MD)No.24651 of 2023

the competent authority. In other words, he can use land for agricultural purposes but he can develop it only in accordance with law.

8. The petitioner is permitted to re-present the sale deed before the registering authority. Since the document was presented in time, the stamp papers will hold good. The Registering authority is directed to register the re-presented sale deed. Usual formalities shall be complied with.

9. This writ petition is disposed of on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.03.2024

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

To

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

5/6



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W.P(MD)No.24651 of 2023

G.R.SWAMINATHAN, J.

MGA

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W.P(MD)No.24651 of 2023
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