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W.P.(MD)NO.24113 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24113 of 2023 AND

W.M.P.(MD)No.20282 of 2023

M.Keerthana

... Petitioner

Vs.

1. The Inspector General of Registration,
Registration Department,
Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 009.

2. The District Registrar(Administration),
District Registrar Office,
Collector Office Campus,
Nagercoil,
Kanyakumari District.

3. The Sub Registrar,
O/o.the Sub Registrar,
Kottaram,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip under RFL/Kottaram/160/2023 dated 14.09.2023 issued by the third respondent and quash the same and to direct the third respondent to register the sale deed under document in No.TP/159537466/2023 dated 14.09.2023 with



respect to Punja lands to an extent of about 3 cents 813 sq.links situate on the north eastern corner of larger extent of 3.96.5 Hectares, at S. No.28/23 at Leepuram Village, Maharajapuram Panjayat, Agasteeswaram Taluk, Kanyakumari District within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For R-1 to R-3 : Mr.B.Saravanan,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. The petitioner wants to purchase the petition mentioned land measuring little over 3 cents. The sale deed dated 17.04.2023 was executed in favour of the petitioner. It was presented for registration. Citing Section 22-A of the Registration Act and by pointing out that the document was not an approved plot, registration was refused. Challenging the impugned refusal check slip, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner categorically states that the petitioner has purchased only a piece of agricultural land. When I asked whether one can carry out agricultural activities in 3 cents, the learned counsel appearing for the petitioner



clarified that the petitioner wants to purchase the petition mentioned land only for using it as garden and nothing else. Since the character of the land is not being altered, Section 22-A of the Act may not be attracted. I however made it clear that in future, if the petitioner develops the land or put up any construction, approval from the competent authority is required. The petitioner gives an undertaking before this Court that she will use the petition mentioned land only for agricultural purpose and not for any other purpose. I make it clear that if the said undertaking is breached, it is open to the authorities to initiate contempt action against the petitioner herein. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. It shall be registered and released subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

1. The Inspector General of Registration,
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Santhome High Road,
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G.R.SWAMINATHAN,J.

PMU

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