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W.P.(MD)No.25394 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25394 of 2024
and
W.M.P.(MD)No.21542 of 2024

M.Gandhi Selwyn

... Petitioner

Vs.

1.The District Registrar,
O/o.the District Registrar,
Tenkasi, Tenkasi District.

2.The Sub-Registrar,
O/o.the Sub Registrar Office,
Alangulam, Alangulam Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip issued by the second respondent in his proceedings in No.RFL/Aalangulam/42/2024 dated 14.10.2024 and quash the same as illegal and consequentially to direct the second respondent to register the Gift Deed presented by the petitioner in temporary No.TP/197522378/2024 dated 14.10.2024 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Karthikraja
M/s.Ajmal Associates
For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondents.

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

3.It is the case of the petitioner that the property in question belongs to the petitioner's sister. The total extent of the property is 5.60 acres. The petitioner as a power agent had sold certain portion of the property to various persons by way of registered sale deed leaving an extent of 1 acre. The petitioner is in the possession and enjoyment of the same. Thereafter, the principal of the petitioner executed a gift deed in favour of the petitioner for the remaining extent of property. When the petitioner presented the same for registration, the same was refused to be registered on the ground that approval was not obtained. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner submitted that the principal of the petitioner was holding the property as agricultural land and she now settle the same in favour of the petitioner only as agricultural land. Further, as many as 30 documents have already been registered from and out of the said land.



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5.As long as the property remained as agricultural land and the same is sought to be transferred, merely because some house sites have been developed adjacent to the subject property, the registration cannot be refused. When the petitioner accepts the property as agricultural land, the right of the petitioner cannot be outrightly rejected by way of refusal. The question of getting approval will arise only in the case converting the agricultural land into house sites. Therefore, Section 22-A of the Registration Act cannot be applied mechanically in this case.

6.In view of the above, the refusal check slip issued by the second respondent dated 14.10.2024 stands quashed and this writ petition is allowed. The second respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

24.10.2024

NCC:yes/no
Index:yes/no
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To
1.The District Registrar,
O/o.the District Registrar,
Tenkasi, Tenkasi District.

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N.SATHISH KUMAR, J.

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2.The Sub-Registrar,
O/o.the Sub Registrar Office,
Alangulam, Alangulam Taluk,
Tenkasi District.

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24.10.2024