



WEB COPY



W.P.No.21

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

W.P No. 21023 of 2025

and

WMP.No.23757 of 2025

1.S.Malliga

2.M.Vijayalakshmi

Petitioners

Vs

1. The Joint Sub Registrar No. 2
Tirupattur,
Taluk Campus,
Tirupattur 635 601.

2.S.Krishnan

3.J. Kanaga

Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records relating to the Impugned order dated 15.05.2025 passed by the 1st Respondent in check slip vide Refusal No. 2, Joint Sub Registrar Tirupattur / 137 / 2025 and quash the same and consequently direct



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the 1st respondent to register the sale deed presented by the petitioners and to return the documents after the compliance of registration.

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For Petitioners : Mr.S.Sathyaraj

For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the 1st respondent dated 15.05.2025 and to quash the same and consequently direct the 1st respondent to register the sale deed presented by the petitioners and to return the documents after the compliance of registration.

2. The facts in nutshell, placed before this Court by the Petitioners, are as follows:

(i) The petitioners jointly purchased the land measuring 22 ¼ cents, comprised in Survey No.187/7B, Sub Division Survey No.187/7B1A situated at Kakangarai Revenue Village, Tirupattur Taluk, Tirupattur District from Mr.Siva Prakasam through a Sale Deed dated 22.09.2020 which was registered as Document No.8156 of 2020 on the file of the S.R.O. Tirupattur. Initially the said Siva Prakasam was carrying on the



agricultural activities on the aforesaid land and after purchasing the same from him, the petitioners also continued to carry on the agricultural activities.

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(ii) While so, due to financial constraints, the petitioners have decided to sell the aforesaid land in its original condition without changing its nature or character. Therefore, the petitioners executed a sale deed in favour of the 2nd and 3rd respondents and when the same was presented for registration before the 1st respondent, the said Authority refused to register the document vide refusal check Slip dated 15.05.2025, by stating that no permission has been obtained by the petitioners from the Planning Authority with respect to subject land and as there is a bar under Section 22 -A(2) of the Registration Act, 1908 (in short 'the Act') without permission from the concerned Planning Authority, the Sale Deed could not be registered. The said Refusal Check Slip is impugned in this Writ Petition.

3. Learned counsel for the Petitioners would submit that the Petitioners intended to sell the entire extent of land purchased by them to the respondents 2 and 3 in its original form without changing its character or nature and therefore the 1st respondent ought to have registered the same. That apart, when the 1st respondent registered the earlier Sale Deed executed by the Petitioners' vendor in respect of the



same land, cannot now raise objections to register the subsequent Sale Deed for the same land. Further, he would submit that the petitioners land is a punjai land and they have been cultivating the corns on the said land and therefore the said land will not come under the unapproved layout plots defined under Section 22 - A(2) of the Act. He therefore prays to allow this Writ Petition.

4. Per contra, the learned Special Government Pleader appearing for the 1st Respondent would submit that the property conveyed in the Sale Deed executed by the Petitioners was originally a punjai land and is later converted as a housesite without obtaining any permission for development of the said land from the concerned Planning Authority and now the Petitioners are attempting to sell the same by falsely alleging that the said land is used for agricultural purposes. Since there is a bar under Section 22-A(2) of the Act, to register the Sale Deed with respect to the aforesaid land, without permission from the concerned Planning Authority, the 1st respondent has rightly refused to register the same. However, he would submit that since the Petitioners claim that the subject land is an agricultural land, it is upto them to agitate the same, before the Authority concerned. He therefore prays for appropriate orders.

6. Heard both sides. Perused the records.



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7. In the present case, the Petitioners state that the subject land is an agricultural land which was originally purchased from Mr.Siva Prakasam, and due to financial constraints, they intended to sell the same without altering its nature or character. Such being the case, the question of bar under Section 22-A of the Act will not come into picture, as the aforesaid provision mandates permission from Planning Authority, for registering the instrument only in case of transfer of ownership of lands converted as house sites. When the petitioners intend to sell the agricultural land, the 1st respondent ought not to have refused to register the same, by citing the aforesaid provision.

8. In such view of the matter this Court is inclined to set aside the Refusal Check Slip of the 1st respondent dated 15.05.2025 and accordingly the same is set aside. The petitioner is directed to re-present the Sale Deed dated 15.05.2025 before the 1st respondent and on such re-presentation, the 1st respondent is directed to verify whether the entire land, covered under the aforesaid Sale Deed is an agricultural land and thereafter proceed with the registration, if it is otherwise in order.

9. This Writ Petition is disposed of accordingly. No costs.



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10. WMP.No.23757 of 2025, filed to permit the petitioners to file a single writ petition is ordered subject to payment of separate court fee.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking Order : Yes / No

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Note: Registry is directed to issue order copy after ensuring the payment of Court fee as ordered by this Court.

To

The Joint Sub Registrar No. 2
Tirupattur,
Taluk Campus,
Tirupattur 635 601.



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KRISHNAN RAMASAMY, J.

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