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W.P.No.40605 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM:
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.40605 of 2025

M.Duraisamy

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Avalpoondurai,
Erode District.

... Respondent

PRAYER: Writ Petitions filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal check Slip in RFL/Avalpoondurai/170/2025, dated 10.09.2025, quash the same and consequently direct the respondent to register the Award dated 08.03.2025 in Lok Adalat Case No.123 of 2025 in the form of Final Decree in OS.No.87 of 2024 on the file of Ld.Principal Sub Court, Erode.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.U.Baranidharan,
Special Government Pleader



W.P.No.40605 of 2025

ORDER

This writ petition has been filed to call for the records relating to the impugned Refusal check Slip in RFL/Avalpoondurai/170/2025, dated 10.09.2025, quash the same and consequently direct the respondent to register the Award dated 08.03.2025 in Lok Adalat Case No.123 of 2025 in the form of Final Decree in OS.No.87 of 2024 on the file of Ld.Principal Sub Court, Erode.

2. Mr.U.Baranidharan, learned Special Government Pleader takes notice on behalf of the respondent. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner and Mr.K.Balu filed a suit in O.S.No.87 of 2024 on the file of the Principal Sub Court, Erode against the defendant Ls.Gurusamy for partition and separate possession in respect of the properties jointly purchased by them under a sale deed dated 10.04.2013 (Doc.No.2086/2013). Pending the suit, the matter was referred to the National Lok Adalat for settlement. Thereafter, award was passed on 08.03.2025 in Lok Adalat Case No.123 of 2025 by recording the Joint Compromise memo filed by the petitioner



W.P.No.40605 of 2025

and others. When the petitioner presented the said award before the respondent for registration, the same was refused to register vide RFL/Avalpoondurai/170/2025, dated 10.09.2025, holding that the document cannot be registered in view of the bar under Section 22A of the Registration Act, 1908. Challenging the same, the petitioner has come forward with the present writ petition.

4. Learned counsel for the petitioner would submit that the petitioner along with two other co-sharers purchased the subject property/agricultural land, which is more than 5 acres. Therefore, bar under Section 22A of the Registration Act, 1908 is not come into picture.

5. Learned Special Government Pleader appearing for the respondents would submit that in the present case, the apprehension expressed by the Sub-Registrar is that the petitioner along with two other co-sharers formed the road in the aforesaid subject property. In the event of forming the road in the said land, they cannot register the same and it would be considered as plots. Therefore, bar under Section 22A of the Registration Act, 1908 will come into picture.



W.P.No.40605 of 2025

6. However, learned counsel for the petitioner would submit that in the present case, the petitioner along with two other co-sharers formed the road in the aforesaid subject property for the purpose of agricultural activities and later, they divided the said property into three shares. Therefore, they formed the road for the purpose of their convenience and not for converting the same into plots. In the event, they are dividing the property with an intention to making it as plots, then certainly, they have to get approval from the authorities concerned. Therefore, he would contend that the refusal order passed by the respondent is not in accordance with law and the same is liable to be set aside.

7. Heard the learned counsel on either side and perused the materials available on record.

8. In the case on hand, the Lok Adalat award was passed on 08.03.2025. Once the award was passed, the respondent is duty bound to register the same upon the presentation of the same. However, the respondent herein refused to register the same, which is not correct on the face of law.



W.P.No.40605 of 2025

9. The apprehension expressed by the respondents is that the petitioner along with two other co-sharers, who are not from the same family purchased the property jointly and divided the same by virtue of the Lok Adalat award dated 08.03.2025 in Lok Adalat Case No.123 of 2025. During the course of dividing the said property into three shares, they formed the road. Due to the formation of said road in the subject property, the respondent held that there is a bar under Section 22A of the Registration Act, 1908 and refused to register the said award. At this juncture, it is pertinent to extract Section 22A(2) of the Registration Act, 1908 and the same reads as follows:

“22-A.Refusal to register certain documents.-

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.”

Reading of the above provision shows that, bar under Section 22A of the Registration Act, 1908 will apply only in the event, they are converting the land into plots. Now, there is no question of converting the agricultural lands into house sites. As long as the petitioner and other



W.P.No.40605 of 2025

two co-sharers are using the land as agricultural land and forming the road for their convenience, there will be no bar under Section 22A of the Registration Act, 1908. Therefore, refusing to register the award for mere formation of road in the agricultural land is not in accordance with law. Hence, this Court finds serious default on the decision taking process on the part of the respondent.

10. In view of the foregoing reason, the impugned order passed by the respondent in RFL/Avalpoondurai/170/2025 dated 10.09.2025 is not sustainable and the same is liable to be set aside. Accordingly, the said order is set aside. Consequently, this Court directs the respondent to register the Lok Adalat award dated 08.03.2025 in Lok Adalat Case No.123 of 2015, immediately upon the re-presentation of the same by the petitioner.

With the above observation and direction, this writ petition stands disposed of. No costs.

28.10.2025

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Index: Yes/No

Page 6 of 8



W.P.No.40605 of 2025

Internet: Yes/No

Speaking Order/Non-speaking order

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To

The Sub Registrar,
Sub Registrar Office,
Avalpoondurai,
Erode District.



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W.P.No.40605 of 2025

KRISHNAN RAMASAMY, J.

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W.P.No.40605 of 2025

28.10.2025