

W.P (MD).No.168 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.168 of 2025

T.Thanapriya

... 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,
Kokkirakulam,
Palayamkottai,
Tirunelveli District.

3.The Sub-Registrar,
Office of the Sub-Registrar,
Panagudi,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned "Refusal Check Slip" under RFL/Panagudi/66/2024 dated 26.12.2024 issued by the third respondent and quash the same and pass suitable orders to the third respondent to register the Sale Deed dated 23.12.2024 in the



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name of the petitioner, in respect of the agricultural lands to an extent of 13.58 cents comprised in Survey No.1978/8A2, Perungudi Village Part II, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.G.Aravinthan
for M/s.Aran Legal Consultancy

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip dated 26.12.2024 issued by the third respondent thereby, refused to register the sale deed dated 23.12.2024 on the ground that there is a bar under Section 22(A)(2) of the Registration Act in respect of the subject property.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The Punja lands comprised in S.No.1978/8A to an extent of 0.79.88 ares situated at Perungudi Village Part-II, Radhapuram Taluk,

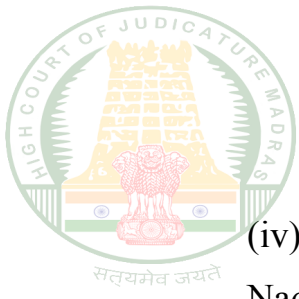


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Tirunelveli District originally belonged to one Venugopal. Thereafter, out of the total extent of the land, the said Venugopal sold out the property to an extent of 13.58 cents to one Jeyakumar by the registered sale deed dated 14.02.2022 vide document No.573 of 2022. Thereafter, the property was subdivided and the Jeyakumar was issued patta. Thereafter, the said Jeyakumar had executed the sale deed in favour of the petitioner on 23.12.2024 and presented for registration.

5. It is relevant to extract the provision under Section 22-A of the Registration Act.

“22-A. Refusal to register certain documents:-Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:- (1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,- (i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under Section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972); (ii) belonging to or given or endowed for the purpose of any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable; (iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under Section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958) ; or



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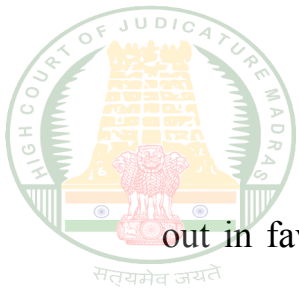
(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995 (Central Act 43 of 1995),

unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;”

6. Thus, it is clear that it applies only for the agricultural land sold out without proper lay out approval or realisation.

7. In the case on hand, already the petitioner's vendor got registered the subject property vide document No.573 of 2022 as agricultural land. Further, the proviso to Section 22-A(2) of the Registration Act is clear 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. Even assuming that the subject property was already sub-divided and sold as house site, the above proviso comes to the rescue of the petitioner's vendor to deal with the property.

8. In the case on hand, the subject property is shown as agricultural property and without forming any road adjacent to the subject property, sold



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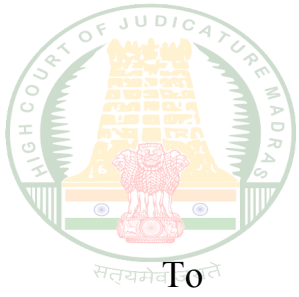
out in favour of the petitioner. There is no bar under Section 22-A(2) of the Registration Act in respect of the subject property.

9. In view of the above, this Court finds infirmity in the order passed by the third respondent, dated 26.12.2024 and it cannot be sustained and liable to be quashed.

10. Accordingly, the order of the third respondent dated 26.12.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the sale deed for registration before the third respondent and on receipt of the same, the third respondent is directed to register the sale deed and release the document forthwith, if it is otherwise in order. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

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To

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G.K.ILANTHIRAIYAN, J.

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