



W.P.(MD)No.193 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2025**

CORAM:

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

W.P.(MD)No.193 of 2025

and

W.M.P.(MD)No.169 of 2025

T.Annam

... 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,
Kanniyakumari District.

3. The Sub Registrar
Office of the Sub-Registrar, Kottaram,
Kanniyakumari District.

... Respondents

PRAYER: 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/179/2024 dated 10.12.2024 issued by the third respondent and quash the



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same and to direct the third respondent to register the Sale Deed dated 10.12.2024 in relation to the lands to an extent of 5 Cents (0.02.03 Hectares) situate within large extent of 43.25 cents comprised in Survey No.1042/4 (sub divided as Survey No.1042/4A1A) Anjugramam Village, Agasteeswaram Taluk, Kanniyakumari District, within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan

for M/s.Aran Legal Consultancy

For Respondents : Mr.M.Sarangan

Additional Government Pleader for R1-3

ORDER

This Writ Petition has been filed challenging the refusal check slip dated 10.12.2024 issued by the third respondent, thereby refused to register the sale deed dated 10.12.2024 in respect of the property comprised in Survey No.1042/4 (sub divided as Survey No.1042/4A1A) to an extent of 5 Cents (0.02.03 Hectares) situate within large extent of 43.25 cents, situated at Anjugramam Village, Agasteeswaram Taluk, Kanniyakumari District,



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

3. The land ad-measuring to an extent of 43.25 cents comprised in Survey No.1042/4 (sub divided as Survey No.1042/4A1A) Anjugramam Village, Agasteeswaram Taluk, Kanniyakumari District, originally belonged to one Thavasilingam, Senthilkumar and Karthesan and they had purchased the said property by way of two sale deed vide document Nos.5138/2011 and 5139/2011, dated 21.11.2011. In turn, they had sold out the said property to an extent 5 cents out of 43.25 cents comprised in Survey No.1042/4 (sub divided as Survey No.1042/4A1A) Anjugramam Village, Agasteeswaram Taluk, Kanniyakumari District, in favour of one Nanthagopalan by a registered sale deeds dated 27.09.2018 vide document Nos.2964/2018 and 1146/2019. In turn, the said Nanthagopalan sold out the said property in favour of one Muthukumar, vide document No.1186/2019 dated 11.04.2019. After purchase, the said Muthukumar was also issued patta in patta No.440 and thereafter, he executed a general power of attorney deed in favour of one K.Thirumal vide document No.4541/2021 dated 01.10.2021. As per the said general



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power deed, lands to an extent of 5 cents (0.02.03 Hectares) comprised in Survey No.1042/4 (sub divided as Survey No.1042/4A1A) Anjugramam Village, Agasteeswaram Taluk, Kanniyakumari District, in favour of one K.Thirumal. Thereafter, the said Thirumal, who is the power holder, had executed a sale deed in favour of the petitioner on 10.12.2024 and presented the same for registration. However, it was refused to register on the ground that there is a bar under Section 22(A) of the Registration Act.

4. It is relevant to extract Section 22-A of the Registration Act, 1908, which reads as follows:

“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



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Town and Country Planning Act, 1971;

(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 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; or

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

(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.



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*Explanation I.? For the purpose of this section ?
local authority? means,?*

*(i) any Municipal Corporation constituted under
any law for the time being in force; or*

*(ii) a Municipal Council constituted under the
Tamil Nadu District Municipalities Act, 1920 ; or*

*(iii) a Panchayat Union Council or a Village
Panchayat constituted under the Tamil Nadu Panchayats
Act, 1994 ; or*

*(iv) any other Municipal Corporation, that may be
constituted under any law for the time being in force.*

*Explanation II.? For the purpose of this section ?
planning authority? means the authority constituted
under section 11 of, and includes the Chennai
Metropolitan Development Authority established under
section 9-A of the Tamil Nadu Town and Country
Planning Act, 1971;*

*(3) instrument relating to cancellation of sale deeds
without the consent of the person claiming under the said
sale deed.?*



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5. Thus, the proviso says 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.

6. In the case on hand, already the petitioner's vendors vendor had purchased the same by the registered sale deed dated 27.09.2018 vide document Nos.2964/2018 and 1146/2019. Therefore, the provision under Section 22-A was enacted and came into effect from 20.10.2016, after commencement of the provision 22-A, there was a registration and as such, the petitioner can very well deal with the property and there is no bar under Section 22-A(ii) of the Registration Act.

7. In view of the above, the impugned refusal check slip dated 10.12.2024 issued by the third respondent is liable to be set aside and accordingly set aside. The petitioner is directed to re-present the sale deed for registration. On receipt of the same, the third respondent is directed to register the sale deed and release the same, forthwith, if it is



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otherwise in order.

8. With the above observation and direction, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.01.2025

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
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TO:-

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G.K.ILANTHIRAIYAN, J.

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Order made in
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