



W.P.(MD)No.721 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.01.2025**

CORAM:

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

W.P.(MD)No.721 of 2025

Sri Krishnan

... Petitioner

/Vs./

1.The District Registrar,  
Kanyakumari District,  
Nagercoil.

2.The Sub-Registrar,  
Sub-Registrar Office,  
Rajakkamangalam,  
Kanyakumari 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 of the impugned Refusal Check Slip in Refusal Number:RFL/Rajakkamangalam/137/2024 dated 24.09.2024 passed by the second respondent herein and quash the same as illegal and further direct the second respondent herein to register and release the Settlement deed dated 31.07.2024.



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For Petitioner : Mr.R.Murugan  
For Respondents : Mr.D.Sadiq Raja  
Additional Government Pleader

### **ORDER**

This writ petition has been filed challenging the refusal check slip issued by the second respondent, dated 24.09.2024 thereby refused to register the settlement deed, which was presented for registration, on the ground that there is a bar under Section 22-A of the Registration Act.

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 property comprised in S.No.1288/9A3A2 to an extent of 6.07 ares situated at Rajakkamangalam Village, Agasteeswaram Taluk, Kanyakumari District originally belonged to one Thangarajan. He had purchased the same in the year 2021. In turn, he had sold the part of the



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land admeasuring 8 cents in favour of the petitioner by the registered sale deed dated 04.08.2021 vide document No.2653 of 2021. Subsequently, the petitioner had also purchased another portion of the property by the registered sale deed dated 28.06.2022 vide document No.2605/2022. In turn, he intended to settle the entire extent of the property measuring 15 cents in favour of his son and executed the settlement deed and presented the same for registration on 24.09.2024. However, it was refused to register on the ground that there is a bar under Section 22-A of the Registration Act. It is relevant to extract the Section 22-A and 22-A(2) 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*



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*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.*

*Explanation I.—For the purpose of this section ‘local authority’ means,—*

*(i) any Municipal Corporation constituted under*



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*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;”*

5. 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, the petitioner had purchased the subject property by way of two sale deeds registered vide documents Nos.2653 of 2021 and 2605/2022. Thereafter, after the said proviso came into force, there was a transaction in respect of the subject property.



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Therefore, the second respondent ought not to have refused to register the same.

7. In view of the above, this Court finds infirmity in the order passed by the second respondent, dated 24.09.2024 and it cannot be sustained and it is liable to be quashed.

8. Accordingly, the order of the second respondent dated 24.09.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the settlement deed for registration before the second respondent. On receipt of the same, the second respondent is directed to register the same, if it is otherwise in order. No costs. Consequently, connected miscellaneous petitions are closed.

**09.01.2025**

Index : Yes / No  
NCC : Yes / No  
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To

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Rajakkamangalam,  
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**G.K.ILANTHIRAIYAN, J.**

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Order made in  
W.P.(MD)No.721 of 2025

Dated:  
09.01.2025