



W.P.(MD)No.1406 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.1406 of 2025

M.Jansirani

... Petitioner

/Vs./

The Sub-Registrar,
Kariapatti,
Virudhunagar District-626 106.

... Respondent

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 order relating to the Refusal Check Slip bearing Refusal No.RFL/Kariapatti/21/2024 dated 20.12.2024 issued by the respondent and quash the same as erroneous and consequently direct the respondent to receive and register the petitioner's sale deed dated 20.12.2024.

For Petitioner : Mr.S.Ilavarasan

For Respondent : Mr.D.Sadiq Raja

Additional Government Pleader



W.P.(MD)No.1406 of 2025

WEB COPY

ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent dated 20.12.2024 thereby refused to register the sale deed which was presented for registration on the ground that the subject property is unapproved one.

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

3. The petitioner's husband had purchased the property comprised Old Survey No.37/A, temporary Sub division Survey No. 37/79 to an extent of 0.02.42 ares by the registered sale deed, dated 11.01.2024 vide document No.101/2024. In turn, he had executed the settlement deed in favour of his wife viz., the petitioner herein on 12.03.2024 vide document No.930 of 2024. She had also obtained the patta No.1701 for the subject property. Thereafter, the petitioner intended to sell the same in favour of the third party and executed the sale deed on 20.12.2024 and it was presented for registration, however,



W.P.(MD)No.1406 of 2025

the respondent refused to register the same on the ground that the subject property is unapproved one.

4. 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 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



W.P.(MD)No.1406 of 2025

WEB COPY

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 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



W.P.(MD)No.1406 of 2025

WEB COPY

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 is clear that if the property already registered as house site there is no bar under Section 22-A of the Registration Act. The provision under Section Act 22-A was inserted and came into effect from 20.10.2016. After the enactment of Section 22-A, there was a transaction in respect of the subject property. Therefore, the proviso to Section 22-A comes for rescue of the petitioner's case.

6. In view of the above, the impugned order dated 20.12.2024, passed by the respondent cannot be sustained and it is liable to be quashed.

7. Accordingly, this writ petition is allowed and the impugned order dated 20.12.2024, passed by the respondent, is hereby



W.P.(MD)No.1406 of 2025

quashed. The petitioner is directed to represent the sale deed for registration and on receipt of the same, the respondent is directed to register the same and release the document forthwith, if it is otherwise in order. No costs.

20.01.2025

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

The Sub-Registrar,
Kariapatti,
Virudhunagar District-626 106.



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W.P.(MD)No.1406 of 2025

G.K.ILANTHIRAIYAN, J.

am

Order made in
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Dated:
20.01.2025