



W.P.(MD)No.1263 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.1263 of 2025

Senthilmurugan

... Petitioner

- Vs. -

The Sub Registrar,

Nanguneri Sub Registrar Office,
Tirunelveli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a of Writ of Certiorarified Mandamus, to call for the records pertaining to impugned Refusal Check Slip in Refusal Number. RFL / Nanguneri /1/2025 dated 06.01.2025 was issued by the respondent and quash the same as illegal and consequently directing the respondent to register the sale deed dated 03.01.2025 in respect of Survey No. 302/5H to the extent of 0.02.43 hectares of South-eastern portion out of 67 cents situated at Ilankulam village, Nanguneri Taluk, Tirunelveli District within a stipulated period as framed by this Court.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondent : Mr.D.Sadiq Raja
Additional Government Pleader



W.P.(MD)No.1263 of 2025

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ORDER

This writ petition has been filed challenging the impugned Refusal Check Slip in Refusal Number. RFL/Nanguneri/1/2025 dated 06.01.2025 issued by the respondent and quash the same as illegal and for consequential direction to the respondent to register the sale deed dated 03.01.2025 in respect of Survey No. 302/5H to the extent of 0.02.43 hectares of South-eastern portion out of 67 cents situated at Ilankulam village, Nanguneri Taluk, Tirunelveli District within a stipulated period as framed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The property comprised in 302/5 to the extent of 72 cents situated at Ilankulam village, Nanguneri Taluk, Tirunelveli District was owned by one Rajapandian Nadar as per the registered sale deed vide Doc.No.854/1971. After his demise, his legal heirs obtained patta and executed sale deed in favour of one Natarajan by a registered sale deed



W.P.(MD)No.1263 of 2025

dated 31.05.2010 in Doc.No.1669/2010. In turn, he had executed a settlement deed in favour of his wife Muthulakshmi in respect of the land in S.No.302/5 to an extent of 67 cents out of 72 cents situated at Ilankulam Village, Nanguneri Taluk, Tirunelveli District vide Do.No. 1766/2021. In turn, his wife Muthulakshmi executed a settlement deed dated 20.03.2023 in favour of the petitioner in respect of two items of the property to an extent of 0.02.83 hectares and 0.02.43 hectares out of the subject property to an extent of 67 cents. In turn, the petitioner had executed a sale deed in respect of second item alone to an extent of 0.02.43 hectares in favour of the third party and presented the same for registration and on 03.01.2025. The respondent refused to register the same on the ground that it is an unapproved land and there is a bar under Section 22A(2) of the Registration Act. It is relevant to extract proviso to Section 22A(2) of the Registration Act:

"A house site without such permission may be registered if it is shown that the same house site may be previously registered as house site".

4. In the case on hand, the property is shown as house site. That



W.P.(MD)No.1263 of 2025

apart, the property was settled by way of settlement deed by his mother dated 20.03.2023 vide Doc.No.573 of 2023. The above proviso to Section 22A(2) of the Registration Act is clear that if the subject property previously got registered as house site, it can be registered and there is no bar under Section 22A(2) of the Registration Act for registering the document.

4. In view of the above, the impugned check slip cannot be sustained and liable to be quashed. Accordingly, the same is quashed. The petitioner is directed to re-present the sale deed. On receipt of the same, the respondent is directed to register the same and release it forthwith if otherwise it is in order.

5. In fine, this writ petition is allowed. No costs.

20.01.2025

Index : Yes / No
NCC : Yes / No
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W.P.(MD)No.1263 of 2025

G.K.ILANTHIRAIYAN, J.

CM

TO:-

The Sub Registrar,
Nanguneri Sub Registrar Office,
Tirunelveli District.

Order made in
W.P.(MD)No.1263 of 2025

Dated:
20.01.2025