



W.P(MD)No.3786 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.3786 of 2025

S.Lokeshwaran

..Petitioner

Vs

1.The Inspector General of Registration,
Trichy District, Trichy.

2.The District Registrar
District Registration Office,
Pudukkottai,
Pudukkottai District.

3.The Sub Registrar,
Thirumayam Sub Registration Office,
Thirumayam,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 3rd respondent in Na.Ka.No. 321/2024 dated 27.09.2024 and quash the same and consequently direct the respondent to register the sale deed comprised the property in S.No. 5/1 situated at Pilivalam Village , Thirumayam Taluk, Pudukkottai District.



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For Petitioner : Mr.S.Vimal Raj

For Respondents : Mr.R.Sureshkumar
Addl. Govt. Pleader

ORDER

The petitioner challenges the impugned order passed by the 3rd respondent in Na.Ka.No. 321/2024 dated 27.09.2024 and seeks consequential direction to the respondent to register the sale deed with respect to the property comprised in S.No. 5/1, situated at Pilivalam Village, Thirumayam Taluk, Pudukkottai District.

2. The case of the petitioner is that he is the owner of the agricultural land comprised in S.Nos. 7/1, 5/8, and 8/1, situated at Pulivalam Village, Thirumayam Taluk, Pudukkottai District. He states that he already owns the land in the very same village in S.Nos. 5/7, 5/3, 5/4, 5/5, and 7/1. He had contemplated converting the agricultural land into a private layout. A resolution was also passed by the Pulivalam Panchayat in the year 2012. On the strength of the resolution, he had alienated certain extents of the land in favour of the third parties. On 23.05.2022, he alienated the land measuring an extent of 6 acres out of 19 acres in S.No.5/1. After the sale to one Venkateswaran, the petitioner has 13 acres left with him.



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3. The petitioner states that he made a representation on 26.09.2024 to the third respondent to register the sale deed in respect of the property comprised in S.No. 5/1. However, it was refused under the impugned order.

4. The ground given in the impugned order is that there is an order of injunction in W.P.(MD)No. 11056 of 2024, and hence, the Sub Registrar must not register the document, which is agricultural land, as a house site.

5. The petitioner pleads that the classification of S.Nos. 5/1 and 7/1 Part of Pulivalam Village as house sites is a mistake. He further pleads that the purchaser will retain the property only as agricultural land.

6. When the matter came up for admission, Mr.R.Sureshkumar, learned Additional Government Pleader, took notice for the respondents.

7. Mr.S.Vimal Raj, for the petitioner, states that it is the intention of the petitioner to retain the property only as agricultural



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land. He undertook to file an undertaking affidavit by the vendor and the purchaser to that effect. Hence, the matter was listed today.

8. Mr.R.Sureshkumar, reiterated the contention raised in the impugned order, to the effect that agricultural land cannot be converted into a house site without the consent of the Directorate of Town and Country Planning and the Local Planning Authority. Hence, he supported the impugned order.

9. I have carefully considered the submissions of both sides.

10. The wrath of Section 22A is invited only when the agricultural land is sold as a house site without getting permission from the Directorate of Town and Country Planning and the Local Planning Authority. If the agricultural land is sold as agricultural land, it will not attract the provision of Section 22A.

11. A perusal of the affidavit shows that the petitioner intends to alienate only the “Nanja land” as “Nanja land”. It is not the intention to convert the “Nanja land” into a house site. The relevant portion of the undertaking affidavit is extracted hereunder:



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“4. I humbly submit that the Vendor and Vendee hereby jointly undertake that the lands in S.No.5/1 situated at Pilivalam Village, Thirumayam Taluk, Pudukottai District to an extent of 12 ares 66.0 sq.feet., presented for registration vide Sale deed Dated 25.03.2025 before the Sub Registrar, Thirumayam Sub register is going to be dealt with only as a Punja land and it is made it clear that the property is not going to be developed as piece of real estate. The Vendee Accepts and agrees to purchase the said Property in its original form as an Agricultural Land.

5.The Vendor and Vendee further jointly undertake that as and when any steps are taken in future to convert the said lands into plots the same will be done only after getting necessary permission on payment of necessary charges as may be determined by the Authorities concerned.”

12. In the light of the above discussion, the impugned order in Na.Ka.No. 321/2024 dated 27.09.2024 issued by the third respondent is quashed. The writ petition is allowed. There shall be a direction to the third respondent to register the sale deed in respect of the property comprised in S.No. 5/1 situated at Pilivalam Village, Thirumayam Taluk, Pudukkottai District, and release the same to the



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petitioner. The said exercise shall be completed within a period of two weeks from the date of uploading of this order. No costs.

25.04.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

- 1.The Inspector General of Registration,
Trichy District, Trichy.
- 2.The District Registrar
District Registration Office,
Pudukkottai,
Pudukkottai District.
- 3.The Sub Registrar,
Thirumayam Sub Registration Office,
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V.LAKSHMINARAYANAN, J.

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