



W.P.(MD).No.3742 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.3742 of 2025

S.Anbalagan

.. Petitioner

Vs.

1.The District Registrar,
Sivagangai,
Sivagangai District.

2.The Sub-Registrar Joint II,
Joint II Sub-Registrar Office,
Sivagangai District.

.. Respondents

PRAYER: Writ 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 Number in 03/2024, dated 08.04.2024 on the file of the Respondent No.2 and quash the same as illegal and consequently direct the Respondent No.2 to register the document for the petitioner's land in S.No.89/3 TS.No.16/24 in an extent of 4.03 Cents situated at Kathativayal Village, Sivagangai Taluk, Sivagangai District without insisting the plan approval from the authorities concerned.

For Petitioner : Mr.M.Mahaboob Fazil
for M/s.Roy and Roy Associates



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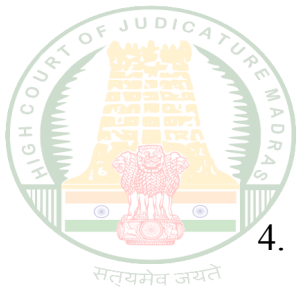
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The petitioner seeks a Writ of Certiorarified Mandamus to quash the refusal check slip in No.3/2024, dated 08.04.2024 and for a direction to the respondents to register the document.

2. The petitioner pleads that the property situated in T.S.No.89/3 of Kathattivayal Village, Sivagangai Taluk and District belonged to one Leelavathi. She had settled the property in favour of one Anbalagan. Thereafter, the said Anbalagan had executed a deed of power of attorney in favour of one H.Kalifullah in Document No.2071/2021, dated 12.07.2021. As the power agent of Anbalagan, namely, H.Kalifullah alienated the property in favour of one K.Vellaichamy. The second respondent refused to register the document on the ground that there is no approval from either DTCP or the local authority for converting the land into plots. Aggrieved by the same, the present writ petition.

3. Heard Mr.M.Mahaboob Fazil, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents.



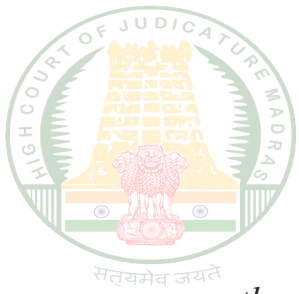
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4. The learned counsel for the petitioner, placing reliance upon the judgment of this Court in **Subramani vs. Sub Registrar, Rasipuram & Another** in **W.P.No.11056 of 2024 dated 26.04.2024**, pleads that when the land is being sold as an agricultural land, the respondent cannot insist upon compliance with Section 22 A (2) of the Registration Act.

5. Per contra, Mr.Suresh Kumar, learned Additional Government Pleader invites my attention to the deed in favour of Leelavathi and from Leelavathi in favour of Anbalagan to point out, what had been alienated by them is 54 cents, whereas, the subject matter of sale in the present case is a portion thereof, measuring 4.03 cents. Hence, he urges though the original sale is of that of an agricultural land, subsequently, they have been illegally plotted out and are attempted to be registered.

6. I have carefully considered the submissions made on both sides.

7. In order to allay the fear of the respondents, Mr.M.Mahaboob Fazil, has filed an undertaking affidavit of the vendor and vendee to the effect that the property will be maintained only as an agricultural land. The said undertaking is recorded as hereunder:



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“3. That the Vendor and Vendee hereby jointly undertake that the lands in S.No.16/24 to an extent 4.03 cents presented for registration vide sale deed, dated 08.04.2024 before the Sub Registrar, Joint II Sivagangai is going to be dealt with only as a Nanja 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.

4. 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.”

8. Apart from the undertaking, as rightly contended by Mr.M.Mahaboob Fazil, the Honourable Mr.Justice N.Sathish Kumar, after referring to several authorities and circulars of the department, has come to the conclusion that a property which is in the nature of agricultural land, can be sold as agricultural land itself and registration of the same cannot be refused by the Registration Department. The relevant portion of the judgment is extracted as hereunder:

“23. Similarly, this Court has also come across various instances of refusal of documents citing that road has been formed in the particular survey number, therefore, it should be treated as house



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sites, even though the agricultural land is sought to be transferred.

This Court is of the view that merely because some portion of the land in particular survey number sold as house sites earlier, when the remaining land remained as an agricultural land and no layout has been formed in the survey number with the approval of the competent authorities, merely because some portion of the land is sold earlier as house sites, there is no bar for registering agricultural lands.”

9. As the petitioner wants to retain the property only as an agricultural land and he has filed an undertaking to that effect, the impugned proceeding, dated 08.04.2024 is quashed. There shall be a direction to the respondents to register the document presented on 08.04.2024 and to return the same to the petitioner.

10. Accordingly, this Writ Petition is ordered. No costs.

10.03.2025

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

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V.LAKSHMINARAYANAN,J.

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To

- 1.The District Registrar,
Sivagangai,
Sivagangai District.
- 2.The Sub-Registrar Joint II,
Joint II Sub-Registrar Office,
Sivagangai District.

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