



W.P.(MD).No.3640 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.02.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.3640 of 2025

Murugan

.. Petitioner

Vs.

1.The District Registrar(Administration),
Office of the District Registrar,
Tirunelveli.

2.The Sub Registrar,
Panagudi,
Tirunelveli 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 check slip issued by the 2nd respondent dated 07.01.2025 in Refusal No.RFL/Panagudi/2/2025 and quash the same and consequently direct the 2nd respondent to register the sale deed dated 07.01.2025 executed in favour of the petitioner by one Ramaraj in respect of property comprised in Ayan Punja Survey Nos.1957/2A, 1958/1A of Perungudi Part II Village, Kavalkinaru, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.V.Sasi Kumar

For Respondents : Mr.P.T.Thiraviam

Government Advocate



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ORDER

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The present Writ Petition seeks to set aside the refusal check slip issued by the second respondent on 07.01.2025 and consequently, direct the second respondent to register the sale deed dated 07.01.2025 executed in favour of the petitioner by one Ramaraj in respect of property comprised in Ayan Punja Survey Nos.1957/2A, 1958/1A of Perungudi Part II Village, Kavalkinaru, Radhapuram Taluk, Tirunelveli District.

2. The petitioner claims that he is the owner of the property situated in Survey No.1957/2A of Perungudi Part II Village, Kavalkinaru, Radhapuram Taluk, Tirunelveli District, admeasuring 50 cents. To the said property, he does not have an access. Therefore, he approached his neighbour, one Ramaraj, who obtained pathway rights through three documents, namely, Document Nos.4503/2022, 221/2023 and 4280/2023, registered on the file of the second respondent on 19.10.2022, 18.01.2023 and 27.10.2023 respectively. The petitioner pleads that he approached the said Ramaraj for pathway rights and presented a document titled 'பாதை பொதுவாய் புழங்கும் பாத்திய உடன்படிக்கை அடிமனை' on 07.01.2025. When the said document was presented for registration, it was rejected by the second respondent citing an order of the Division Bench of this Court in W.P.No.19556 of 2015 dated



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09.09.2016 and the Circulars of the Commercial Taxes and Registration

Department dated 20.10.2016 and 18.03.2020. The Sub Registrar also referred to Section 22-A of the Registration Act. Aggrieved by the same, the present Writ Petition.

3. Mr.V.Sasi Kumar appearing for the petitioner submitted that the petitioner is only purchasing pathway rights to the property and he is not dealing with the sale of agricultural plots or housing sites by virtue of the document titled aforesaid. He pleads that neither the order of this Court in W.P.No.19566 of 2015 dated 09.09.2016 nor does Section 22-A stand in the way of the second respondent to register the document.

4. Taking note of the plea, I requested Mr.P.T.Thiraviam, learned Government Advocate to get instructions from the concerned Sub Registrar.

5. Today, when the matter was taken up for disposal, Mr.P.T.Thiraviam produced the proceedings of the Sub Registrar, Panagudi dated 17.02.2025.

6. A perusal of the same shows that the second respondent had relied upon an interim order passed by this Court in W.P.No.19566 of 2015 dated



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09.09.2016 as well as Section 22A of the Registration Act and the Circular of the Commercial Taxes and Registration Department dated 20.10.2016, in order to come to the conclusion that there is a bar with respect to registering of plots in unauthorized layouts.

7. The learned Government Advocate further submits that the idea of purchasing the pathway by the petitioner is only to develop his property situated in Survey No.1957/2A into housing plots and since he had not obtained a layout approval for the said plots, he is not entitled to register the document dated 07.01.2025.

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

9. An interim order was passed by the Division Bench of this Court in a Public Interest Litigation in W.P.No.19655 of 2015 dated 09.09.2016, in order to prevent unplanned growth of housing sites and conversion of agricultural sites into housing plots. The Government, with the same intention, had amended the Registration Act by virtue of Act 2 of 2009 and had, pending the aforesaid Writ Petition, also notified the same. The order of the Division Bench makes it clear that agricultural plots must not be converted into housing sites without



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proper approval of the planning authority concerned. Section 22-A(2) takes care of the said situation.

10. However, in the present case, a reading of the document dated 07.01.2025 shows that it is not a document dealing with conversion of agricultural plots into housing sites. But, it is a mere document by which the petitioner's land locked property has been given access by way of a pathway by his neighbour.

11. The apprehension of the learned Government Advocate is that in case the document dated 07.01.2025 is registered, it might lead to a situation of the writ petitioner converting his agricultural site into housing plots and thereby, breaching Section 22-A(2) of the Registration Act.

12. This is an issue, which would have to be dealt with by the authority, when the petitioner comes forward with a sale deed for the agricultural land situated in Survey No.1957/2A. That situation has not arisen so far. Hence, the impugned order is set aside. The second respondent is directed to receive the document dated 07.01.2025 and register the same within a period of two (2) weeks from the date of receipt of a copy of this order. It is made clear that by



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virtue of registration of this document, the petitioner will not be entitled to convert his agricultural land situated in Survey No.1957/2A into housing plots and alienate the same by bypassing Section 22-A(2) of the Act.

13. With the above direction, this Writ Petition is allowed. There shall be no order as to costs.

18.02.2025

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

To

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Tirunelveli.

2.The Sub Registrar,
Panagudi,
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V.LAKSHMINARAYANAN,J.

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