



W.P.(MD).No.3634 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.3634 of 2025

Ramaraj

.. Petitioner

Vs.

1.The District Registrar (Administration),
Office of 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/1/2025 and quash the same and consequently direct the 2nd respondent to register the sale deed dated 06.01.2025 executed in favour of the petitioner by Udhayakumar and Arockiyamary in respect of property comprised in Ayan Punja Survey No.1956/3A2 (Old Survey No.1956/3A) to an extent of 33 cents and Survey No.1956/1B1B (previous Survey No.1956/1B1) to an extent of 47 cents of Perungudi Part II Village, Kavalkinaru, Radhapuram Taluk, Tirunelveli District.



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For Petitioner : Mr.V.Sasi Kumar

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

ORDER

This Writ Petition is filed challenging the impugned refusal check slip issued by the second respondent in Refusal No.RFL/Panagudi/1/2025 dated 07.01.2025 and consequently, direct the second respondent to register the sale deed dated 06.01.2025 executed in favour of the petitioner by Udhayakumar and Arockiyamary in respect of property comprised in Ayan Punja Survey No.1956/3A2 (Old Survey No.1956/3A) to an extent of 33 cents and Survey No.1956/1B1B (previous Survey No.1956/1B1) to an extent of 47 cents of Perungudi Part II Village, Kavalkinaru, Radhapuram Taluk, Tirunelveli District.

2. The petitioner states that the property situated in Survey Nos.1956/3A2 and 1956/1B1B of Perungudi Part II Village, Kavalkinaru, Radhapuram Taluk, Tirunelveli District, belonged to two persons, namely, Udhayakumar and Arockiyamary. They had purchased the same by way of a registered sale deed dated 27.01.2023 bearing Document No.374/2023. The petitioner had purchased the said property from Udhayakumar and Arockiyamary by way of a sale deed on 06.01.2025 and presented the same for registration on 07.01.2025.



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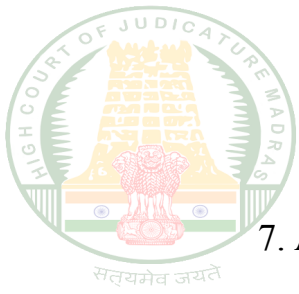
The second respondent issued a refusal check slip on the ground that the order of this Court in W.P.No.19566 of 2015 dated 09.09.2016 as well as Section 22A of the Registration Act and the Circulars issued by the Government prevent registration of the property. Hence, the Writ Petition.

3. I heard Mr.V.Sasi Kumar for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents.

4. Mr.V.Sasi Kumar points out that the order passed by this Court in W.P.No.19566 of 2015 is an interim order, which prevented registration of agricultural lands converted into plots. He states that the interim order granted by this Court as well as Section 22A and the Circulars issued by the Government will not apply to the petitioner, as he is purchasing the property as an agricultural land and not as a plot.

5. Mr.R.Suresh Kumar pleads that the impugned refusal check slip has to be upheld since the petitioner is attempting to convert the agricultural land into plots.

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



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7. A perusal of the FMB sketch attached at page No.26 of the typed set of papers for Perungudi Part II Village, Radhapuram Taluk, Tirunelveli District, shows that the properties in Survey Nos.1956/3A2 and 1956/1B1B are separated by a passage, which commences much earlier and insofar as this property is concerned, in Survey No.1956, it runs across the entire extent of Survey Nos.1961 and 1952. This shows that the road has not been created by the petitioner, but is a pre-existing one.

8. The sale deed in favour of the petitioner's vendor, which has been filed along with the typed set of papers, shows that the property is classified as “அயன் புன்செய்”. The sale deed, which has been executed in favour of the petitioner, too shows the property as “அயன் புஞ்சை”. This makes it clear that the purchase made by the petitioner's vendor as an agricultural land is being transferred as such in favour of the writ petitioner. Unless and until, there is a change in usage from agricultural land into plots, Section 22A of the Registration Act would not be attracted.

9. Further more, Mr.V.Sasi Kumar has filed an undertaking affidavit of the writ petitioner, which is extracted hereunder:



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“4. I humbly submit that I have purchased the punja agricultural properties from the said Udayakumar and Arockiasamy for the purpose of carry out the agricultural operation in the subject properties. This Hon'ble Court on 27.2.2025 directed me and my vendors to file an undertaking affidavit to that effect, the subject lands are agricultural nature of the property and if it is proposed to develop the properties as a later stage, I will secure permission from the appropriate Planning Authority and thereafter proceed for alienation.

5. I humbly submit that I purchased property for intending to carry out the agricultural operation and I hereby undertake that if the subject properties are converted into housing plots, I will get necessary permission from the appropriate Planning Authority and thereafter proceed for alienation.”

This makes it clear that the petitioner proposes to use the land only as an agricultural land and that in case, he intends to develop the same into plots, he will approach the appropriate Planning Authority and obtain permission.

10. That being the situation, the impugned order is set aside. The Writ Petition is allowed. There shall be a direction to the second respondent to register the sale deed executed by Udhayakumar and Arockiyamary in favour of



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the petitioner on 06.01.2025 within a period of two (2) weeks from the date of

uploading of this order. There shall be no order as to costs.

11. Post the matter 'for reporting compliance' on 01.04.2025.

11.03.2025

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

To

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

2.The Sub-Registrar,
Panagudi,
Tirunelveli District.



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V.LAKSHMINARAYANAN,J.

Lm

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