

W.P.(MD).No.3865 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.3865 of 2025

Karuppasamy

.. Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Ottapidaram,
Thoothukudi District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Refusal Check Slip No. RFL/Ottapidaram/92/2024 dated 16.12.2024, quash the same and consequently direct the respondent herein to register the sale deed dated 16.12.2024 executed in favour of the petitioner by his vendor Mr.Samuel, S/o.Thangaraj, in respect of Survey No.13/13A1A5 measuring 4.32 cents situated in Pudiyam Pudur Village, Ottapidaram Taluk, Thoothukudi District.

For Petitioner : Mr.K.Appadurai

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



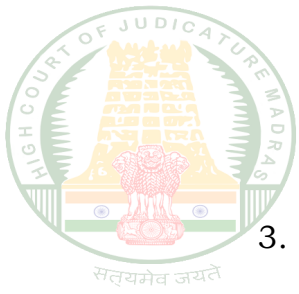
W.P.(MD).No.3865 of 2025

ORDER

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This Writ Petition is filed challenging the impugned Refusal Check Slip No.RFL/Ottapidaram/92/2024 dated 16.12.2024 and consequently, to direct the respondent herein to register the sale deed dated 16.12.2024 executed in favour of the petitioner by his vendor, Mr.Samuel, S/o.Thangaraj, in respect of Survey No.13/13A1A5 measuring 4.32 cents situated in Pudiyam Pudur Village, Ottapidaram Taluk, Thoothukudi District.

2. The petitioner states that the property situated in Survey No.13/13A1A5 of Pudiyam Pudur Village, Ottapidaram Taluk, Thoothukudi District belonged to one Selvaraj and his family. Subsequently, Selvaraj and the other family members entered into a partition deed on 31.07.2020 and had the same registered in Document No.1037/2020. The holdings of the family of Selvaraj was only 30 cents. On division between the six family members, after giving room for a common pathway, one Samuel was allotted 4.32 cents. The said Samuel executed a sale deed in favour of the petitioner on 16.12.2024. When the same was presented for registration, the respondent issued the impugned refusal check slip. The ground on which the respondent refused to register the sale deed was that a pathway had been created over the property on 31.07.2020 and consequently, it infers a presumption that the property is going to be developed into plots. Challenging the said refusal check slip, the present Writ Petition.



W.P.(MD).No.3865 of 2025

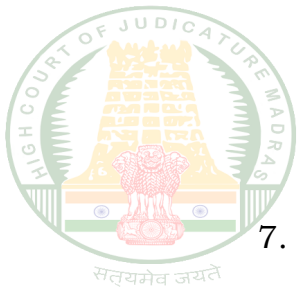
3. I heard Mr.K.Appadurai for the writ petitioner and Mr.R.Suresh

Kumar, learned Additional Government Pleader for the respondent.

4. Mr.K.Appadurai argued that no layout or plots have been formed over the property and since it was a small extent of 30 cents, each of the family members would get around 4 to 5 cents alone. He further points out that each of the family members had set apart a portion of the property allotted to them to create a pathway within their share of the property. The reason, he says so, is that each of the sharers would have an access to their land. He points out that this pathway is not connected to any other land in the area and thereby, he urges that it has been created only for convenient enjoyment for the six owners, who had divided the property amongst themselves.

5. Per contra, Mr.R.Suresh Kumar, learned Additional Government Pleader states as per the letter in No.52889/C1/2019 dated 18.03.2020, the Inspector General of Registration had directed that if a new pathway is created over an agricultural land, it is indicative of the conversion of the agricultural land into plots. Therefore, the respondent had invoked Section 22-A(2) of the Registration Act and had refused to register the document.

6. I have carefully considered the submissions of both sides. I have gone through the records.



W.P.(MD).No.3865 of 2025

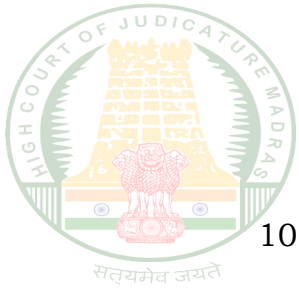
7. A careful perusal of the sale deed executed by Samuel in favour of the petitioner shows that the purchase is of “பஞ்சை” lands. This shows that the land is not converted into plots and sold, but agricultural land is transferred as agricultural land. In such circumstances, Section 22-A is inapplicable. That Section applies only when agricultural land is converted into residential plots.

8. Apart from that, the submission of Mr.Appadurai deserves sense. The family holding is only 30 cents. It had to be equitably distributed amongst six members. If a division of 30 cents is made amongst six people, it would arrive at 5 cents each. Having 5 cents of land without access does not make sense to an agriculturist. Therefore, each of the co-owners has agreed and has created a pathway for themselves.

9. Furthermore, the writ petitioner has filed an affidavit of undertaking, which reads as follows:

“3. I am swearing this affidavit of undertaking that in case of registration of the land concerned, I will not utilize my purchased land as a house site without getting prior permission or approval from the appropriate authority.”

This makes it clear that the petitioner is proposing to use the property only as an agricultural land.



W.P.(MD).No.3865 of 2025

10. In the light of the above discussion, as Section 22-A is inapplicable, the impugned order is quashed. There shall be a direction to the respondent to register the sale deed executed by Samuel in favour of the petitioner Karuppasamy within a period of two (2) weeks from the date of receipt of a copy of this order.

11. This Writ Petition is ordered in the above terms. There shall be no order as to costs.

28.03.2025

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

To
The Sub Registrar,
Office of the Sub Registrar,
Ottapidaram,
Thoothukudi District.



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W.P.(MD).No.3865 of 2025

V.LAKSHMINARAYANAN,J.

Lm

W.P.(MD).No.3865 of 2025

28.03.2025