



W.P.(MD).No.4142 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.4142 of 2025

Raju

.. Petitioner

Vs.

1.The District Registrar,
(Administration),
Cheranmahadevi,
Tirunelveli District.

2.The Sub-Registrar,
Joint-1 Sub Registrar Office,
Cheranmahadevi,
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 relating to the impugned order passed by the 2nd respondent in his Proceedings in RFL/1 No.Joint Sub Registrar, Cheranmahadevi/20/2024, dated 29.11.2024 and quash the same as illegal and consequently to direct the respondent to register the settlement deed, dated 29.11.2024 presented by the petitioner before the 2nd respondent within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Krishnan



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

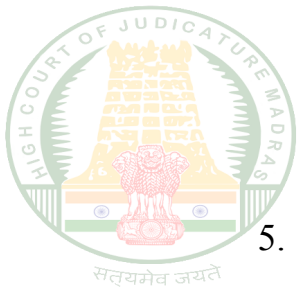
ORDER

The petitioner seeks a Writ of Certiorarified Mandamus to quash the refusal check slip issued by the second respondent on 29.11.2024 and to further direct the said respondent to register the settlement deed executed by him in favour of his daughter.

2. The petitioner states that he purchased the property in Survey No. 187/2A1 to an extent of 11 cents by way of a registered document in Document No.274/1991. The document was registered on 15.07.1991.

3. Out of natural love and affection, he wanted to settle the property in favour of his daughter, one Krishnaveni. The second respondent refused to register the document on the ground that Section 22 A(2) of the Registration Act had not been complied with. Challenging the same, the present writ petition.

4. Heard Mr.S.Krishnan, for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents.



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5. Mr.S.Krishnan urges that, due to old age, the writ petitioner wants to execute a settlement deed in favour of his daughter. He states it is not the intention of the petitioner to convert the property into housing plots. He states that the property was purchased as an agricultural land and it will be maintained as such. He has filed an undertaking affidavit to that effect.

6. Mr.Suresh Kumar, learned Additional Government Pleader, inviting my attention to the impugned order, points out that the following three grounds had been given for the purpose of refusing to register the settlement deed:-

- 1) The original of the parent deed had not been produced ;
- 2) An attempt has been made by the petitioner to convert an agricultural land into housing plot without obtaining approval from DTCP or the local authority; and
- 3) Joint patta shows the land has been registered in the name of certain other persons.

Hence, he pleads that the writ petition is untenable and deserves to be dismissed.

7. I have carefully considered the submissions made on both sides and perused the material available on record.



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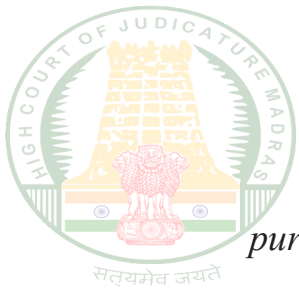
8. The position of law, in so far as production of original documents are concerned, has been settled by a judgment of this Court in **P.Pappu Vs. Sub Registrar, Rasipuram SRO** reported in **2024 (5) CTC 575**. The view taken by the Division Bench has been confirmed by the Supreme Court on an appeal preferred by the State. Hence, the State can no more insist upon the production of the original documents for the purpose of registration.

9. In so far as the second plea is concerned, Section 22 A(2) of the Registration Act will apply only when a person attempts to change the character of the land from an agricultural land into one of housing plots.

10. As rightly contended by Mr.S.Krishnan, the writ petitioner received the land as an agricultural one and seeks to settle the same in favour of his daughter in the same character. On this aspect, I only have to refer to the undertaking affidavit, that has been filed by Mr.Krishnan, of both the settlor and settlee.

11. The relevant portion are extracted as hereunder:

“3. We humbly submit that since 1991 while the 1st person



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purchasing land has been classified as punja land and thereafter the revenue officer who converted our land from Punja land to Natham land in the year 2019 onwards and they also issued natham patta in this regard but till we are using the said land as Punja land.

4. We humbly submit that we are undertaking before this Hon'ble Court we never use the land as house plots and if we will develop land in future or construct any building over the land, we should be to get prior approval from the government as per rules of Tamil Nadu Town and Country Planning Act and other local law relating to construction of building as required, whereas we will also corrected our settlement document as Punja vacant site instead of Vacant site and resubmit our document for registration before the 2nd respondent office. Accordingly we are undertaking before this Hon'ble Court with letter in spirit.”

12. In so far as the third point urged by Mr.Suresh Kumar that the patta stands in the name of few other persons including the petitioner is concerned, I have to point out that revenue records are absolutely unnecessary for the purpose of registration. In fact, the circular issued by the Inspector General of Registration that patta, chitta and adangal must be produced for the purpose of registration, has been declared to be contrary to the position laid down by this Court in **Jesupalam Vs. Registrar** in **2015 SCC Online Mad 7660**. This



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verdict had been rendered by this Court in **Subramani Vs. Sub Registrar, Rasipuram** in **W.P.No.11056 of 2024**, dated 26.04.2024.

13. As all the three grounds fail, the impugned order, dated 29.11.2024 is quashed. There shall be a direction to the second respondent to register the settlement deed executed by the writ petitioner in favour of his daughter on 29.11.2024.

14. The undertaking affidavit filed by the petitioner is recorded.

15. Accordingly, this Writ Petition stands allowed. No costs.

10.03.2025

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

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(Administration),
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Joint-1 Sub Registrar Office,
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V.LAKSHMINARAYANAN,J.

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