



W.P.(MD)No.4560 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4560 of 2025

Balathandayuthabani

... Petitioner

vs.

The Sub Registrar,
Sub-Registrar Office,
Manapparai, Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip in RFL/Manapparai/394/2024 dated 28.10.2024 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the document dated 28.10.2024 within a period that may be stipulated by this Court.

For Petitioner : Mr.N.Mohan
For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

The present writ petition challenges the refusal check slip issued by the sole respondent on 28.10.2024.

2. The petitioner purchased the property situated in S.No.372/2 at Vaiyampatti Village, Manapparai Taluk, Tiruchirappalli District, on 20.11.2009. The said document is registered in Doc.No.4639 of 2009. This property does not have any pathway rights running over it. This is clear from the FMB produced along with typed set of papers. Consequently, the writ petitioner approached one Kannammal, a neighbour and owner of the property situated in S.No.372/1B1A1B for purchasing a portion of her land as a pathway. He purchased the pathway right by way of a registered document dated 14.03.2024. Thereafter, the said pathway covered under the deed dated 14.03.2024 was sub-divided by the Revenue Department and the separate survey number was assigned to the same as 372/1B1A1B3. Yet again, by way of a document dated 01.10.2024, the writ petitioner got pathway rights commencing in S.No.383 of the said village running over 372/2 and touching the

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pathway situated in 372/1B1A1B3. This document too is registered in Doc No.7519 of 2024 on the file of the sole respondent.

3. The petitioner alienated 30 cents of his ownership in S.No.372/2 in favour of one Karnan. The document was presented for registration on the very same day. It was rejected by the impugned order on the ground that there is no pathway available in S.No.372/2 as seen from Doc.No. 4639/2009 and therefore, showing a new pathway in the said survey number on the basis of the document No.7519/2024 is unacceptable. It was further reasoned that such a document attracts the provisions of Section 22A of the Registration Act, 1909(hereinafter referred to as 'Act'). Challenging the same, the present writ petition.

4. I heard Mr.N.Mohan for the writ petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader, who takes notice on behalf of the respondent.

5. Mr.N.Mohan reiterated the contentions stated in the affidavit.



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6. Mr.R.Suresh Kumar invited my attention to Section 22A (2) of

the Act and points out incase the house site is sought to be sold without approval of the Local Planning Authority, there is a bar under Section 22A. Hence, he justifies the order passed by the sole respondent.

7. A perusal of the document dated 20.11.2009, it shows that it is an alienation of agricultural land. Subsequently, as there was no access to the property of the petitioner, he had approached the neighbours and had secured a pathway rights. This is clear from the document dated 14.03.2024 and 01.10.2024. Both the documents show that pathway has been given for carrying on agricultural activities over the lands of the petitioner in S.No.372/2. Infact, the second document title is “விவசாய இருபொருட்கள் எடுத்துச் செல்லும் பொதுப்பாதை ஒப்பந்தப் பத்திரம்□.

8. A document cannot be rejected on account of an apprehension entertained by the respondent. The document, when presented before the respondent, should disclose that the property has been sold as a house site. It is only then Section 22A (2) kicks in.



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9. The registration, which has been declined by the respondent, shows that it is the transfer of agricultural lands and the extent of alienation is also stated in the schedule to the property. It has been sold as an agricultural land and not as house site. Therefore, Section 22A(2) is not attracted. The reference to the pathway in the schedule is only in order to enable the purchaser of the property to enjoy the pathway rights that were secured by the petitioner from his neighbors through two documents dated 14.03.2024 and 01.10.2024. As the impugned order does not reflect that the property has been sold as house site, I am of the view that the presumptuous nature of the conclusion arrived at by the sole respondent cannot be sustained. Consequently, it deserved to be interfered with. Accordingly, the impugned refusal check slip in RFL/Manapparai/394/2024 dated 28.10.2024 passed by the respondent is hereby set aside. There shall be a direction to the respondent to register the document presented by the petitioner on 28.10.2024.



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10. With the above direction, this Writ Petition is allowed. No

WEB COPY costs.

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

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To

The Sub Registrar,
Sub-Registrar Office,
Manapparai, Trichy District.



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V. LAKSHMINARAYANAN, J.

Rmk

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