



W.P.(MD).No.4876 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.4876 of 2025

M.Perkannan

.. Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Madurai District.

2.The Sub-Registrar,
Chekkanoorani Sub-Registrar Office,
Madurai 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 proceedings issued by the 2nd respondent in Refusal Number RFL/Chekkanoorani/1/2025, dated 13.01.2025 and quash the same as arbitrary, illegal and without any legal basis and consequently directing the 2nd respondent to entertain the Dhana Settlement Deed, dated 13.01.2025 presented by the petitioner for registration in TP/205754460/2024 and register the same in the light of the order made by the Court of Madras in D.Rajamanickam Vs. The Sub Registrar in W.P.No.426 of 2022, dated 01.07.2024 forthwith.

For Petitioner : Mr.M.Shakulhameed



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For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

The petitioner states that he executed a settlement deed in favour of his daughter, one Kanagamani for the property situated in Survey No.145/10 of A.Kokkulam village, Chekkanoorani Taluk, Madurai District. He had obtained the same by way of a document in Document No.925/1994 from his father. The said settlement deed was executed on 11.07.1994. When he presented the settlement deed for registration, a refusal check slip was issued, which is the subject matter of this writ petition.

2. Heard Mr.M.Shakulhameed, for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondents.

3. Mr.M.Shakulhameed, for the petitioner contends that much earlier to the present document, the very same Sub Registrar had received several documents, which had converted the agricultural plot into housing plots. They are in Document Nos.2392/2007, 470/2009, 589/2009, 820/2012, 400/2014 and 401/2014. He relies upon the proviso to Section 22 A(2) to plead that where a



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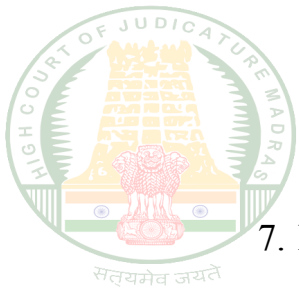
property has already been dealt with as a housing plot, the bar under Section 22

A(2) does not apply.

4. Per contra, Mr.P.T.Thiraviam, states that the Sub Registrar is duty bound to verify if the property has been sold as housing plot and if sold as housing plot, whether it has 'in-principle' approval from DTCP and plot approval from the appropriate local planning authority. He states, in case, it is not so done, then the Sub-Registrar is duty bound to issue refusal check slip in terms of Section 22 A. He further points out that if the Sub-Registrar contravenes the said provision, she or he is liable to be prosecuted under Section 81 A of the Registration Act. Therefore, he pleads the impugned order does not deserve any interference.

5. At this stage, Mr.Shakulhameed, for the petitioner draws my attention to the undertaking affidavit filed by the petitioner to the effect that he will use the lands only for agricultural purposes and that he will not put up any superstructure over the same.

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



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7. If an agricultural plot is converted into a housing site, then the second respondent is statutorily bound under Section 22 A(2) of the Registration Act to reject the same. However, if an agricultural land is sold as an agricultural land, Section 22 A(2) is not attracted. Apart from that, even if an agricultural plot has already been converted as a housing plot and has been sold and registered, the bar under Section 22 A(2) will not operate on a new document being presented for the very same property. In the facts of the present case, as pointed out by Mr. Shakulhameed, the very same property had earlier been dealt with as a housing plot in Document Nos.2392/2007, 470/2009, 589/2009, 820/2012, 400/2014 and 401/2014. Hence, the proviso would come to his rescue.

8. In addition, he has filed undertaking affidavits of the petitioner (settlor) and his daughter (settlee), which are extracted as hereunder:

(i) Affidavit filed by the petitioner:

“5. I hereby undertake that I would not and never construct any building or house in the above cited land. I further undertake that neither myself nor my daughter would only carry on agricultural operations in the said property and eak out our livelihood by raising various timely and seasonal crops.

6. I further undertake that if at all in the future, if my daughter ventures to construct any building in the said property, I further



undertake that such a building would be constructed only after getting all necessary plan approvals and other permissions from the concerned Governmental authorities by my daughter without fail.”

(i) Affidavit filed by the petitioner's daughter:

“5. I hereby undertake that I would not and never construct any building or house in the above cited land. I further undertake that neither myself nor my father and all of my family members would only carry on agricultural operations in the said property and eak out our livelihood by raising various timely and seasonal crops.

6. I further undertake that if at all in the future, if I venture to construct any building in the said property, I undertake that such a building would be constructed only after getting all necessary plan approvals and other permissions from the concerned Government authorities by me without fail.”

9. Since the petitioner, in addition, undertakes to maintain the plot, as it is and also states he will move the appropriate authority and secure permission and only thereafter, put up a construction, the impugned order, dated 13.01.2025 is quashed. There shall be a direction to the respondents to receive the document presented on 13.01.2025 and register the same.



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WEB COPY 10. Accordingly, this Writ Petition is ordered. No costs.

10.03.2025

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

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To

- 1.The District Registrar,
Office of the District Registrar,
Madurai District.
- 2.The Sub-Registrar,
Chekkanoorani Sub-Registrar Office,
Madurai District.



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V.LAKSHMINARAYANAN,J.

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