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W.P(MD)No.5467 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.5467 of 2025

J.Syed Fathima

... Petitioner

Vs.

The Sub Registrar,
Kariapatti,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order to the refusal check slip No.RFL/Kariapatti/10/2025, dated 03.02.2025 passed by the respondent and quash the same as illegal and consequently direct the respondent to register the sale deed instrument, dated 03.02.2025 within a specified time limit fixed by this Court without instating on production of originals and pass such further or other orders as this Court.

For Petitioner : Mr.VA.Shanmugaraj

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



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ORDER

The petitioner seeks for the following relief:-

"Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order to the refusal check slip No.RFL/Kariapatti/10/2025, dated 03.02.2025 passed by the respondent and quash the same as illegal and consequently direct the respondent to register the sale deed instrument, dated 03.02.2025 within a specified time limit fixed by this Court without instating on production of originals."

2. It is the case of the petitioner that the property belonged to the petitioner's father and his brother. The brothers partitioned the property among themselves by way of a registered partition deed. On 25.10.2005, the 'A' schedule mentioned property in the partition deed was allotted in favour of the petitioner's father, Mohamed Shariff.

3. Mohamed Shariff, on his own will and accord, executed a document in document No.34 of 2008. The said Mohamed Shariff expired on 30.11.2008 and the petitioner claims to have succeeded to the estate on the basis of the Will.



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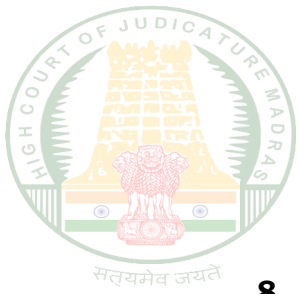
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4. The petitioner executed a gift deed in favour of her husband on 26.02.2024. The said document was registered by the respondent.

5. The cause of action for the present writ petition is that on 03.02.2025, the petitioner executed a sale deed in favour of one Ayyanar. The respondent refused to register the document on two grounds, namely, that the original document had not been produced, and that the document attracts Section 22B of the Registration Act, 1908. Challenging the same, the present writ petition.

6. When the matter came up for admission, Mr.R.Suresh Kumar took notice for the respondent. He sought time to get instructions. Hence, the matter was adjourned.

7. When the matter was taken up for hearing, Mr.R.Suresh Kumar, has produced written instructions in Na.Ka.No.5/2025-15, dated 28.02.2025. In terms of the written instructions, the respondent has reiterated the bar under Section 22A of the Registration Act and that there is a lack of approval from the DTCP and the Local Planning Authority enabling the petitioner to register a sale deed.



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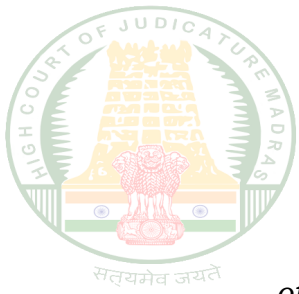
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8. I have carefully considered the submissions of both sides. I have gone through the records.

9. For the purpose of Section 22A of the Registration Act to apply, there should be a conversion of an agricultural plot into a housing plot without the approval of the planning authorities. In the present case, the properties have been sold as Ayan Punja lands which means the character of the land continues to be agricultural. When agricultural land is sold as agricultural land, it does not attract the bar under Section 22A of the Registration Act. Furthermore, Mr.VA.Shanmugaraj has filed an undertaking affidavit of the vendor and vendee. The relevant portions of which are extracted hereunder:

"a) I am hereby undertake that I would not and construct any buildings or houses in the said properties in Survey No. 37/7A1 of Kariyapatti Village which belongs to me based on document Nos.873 and 874 of 2024 on the file of the respondent office till the registration of the said proposed sale deed, dated 03.02.2025. I further undertake that I am only using those lands for carrying agricultural activities.

b) I further undertake that till date the proposal for sell the properties, I am never going to construct any buildings in the said properties without obtaining proper approval and



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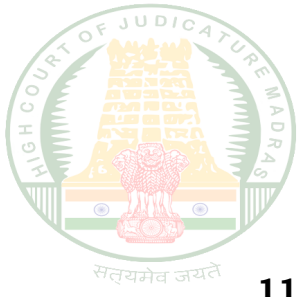
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other permissions from the concerned government authorities as per law."

"a) We hereby undertake that we would not and construct any buildings or houses in the said properties in survey No.37/7A1 of Kariyapatti Village after the registration of the said proposed sale deed, dated 03.02.2025. We further undertake that we are only using those lands for carrying agricultural activities.

b) We further undertake that if at all in the future, if we have venture to construct buildings or houses in the said properties, we undertake that such construction will be carried only after getting proper approval and other permissions from the concerned government authorities as per law."

10. As the purchasers have stated that the lands are going to be used only as agricultural lands, and not for housing purposes, Section 22A of the Registration Act is not attracted. The impugned refusal check slip is quashed. There shall be a direction to the respondent to register the sale deeds, within a period of two (2) weeks from the date of receipt of a copy of this order.



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11. This writ petition stands allowed with the above terms. There shall be no order as to costs.

25.04.2025

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

To

The Sub Registrar,
Kariapatti,
Virudhunagar District.



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V.LAKSHMINARAYANAN, J.

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