



W.P.(MD)No.5403 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.5403 of 2025

Elangovan

... Petitioner

vs.

The Sub Registrar,
North Veeravanallur Sub Registrar Office,
Tirunelveli 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 pertaining to impugned refusal check slip in Refusal Number: RFL/North Veeravanallur/7/2025 dated 19.02.2025 was issued by the respondent and quash the same as illegal and consequently directing the respondent to register the sale deed dated 19.02.2025 in respect of the property in Ayan Punja Survey No.229/1E to an extent of 3.75 cents of northern side portion out of 51 cents situated at South Veeravanallur-I Village, Cheranmahadevi Taluk, Tirunelveli District within a stipulated period as framed by this Court.

For Petitioner : Mr.A.Sankararamasubramanian

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



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ORDER

The petitioner challenges the proceedings in refusal No.RFL/North Veeravanallur/7/2025, dated 19.02.2025 passed by the respondent. The property in S.No.229 to an extent of 80 cents situated at South Veeravanallur-I Village, Cheranmahadevi Taluk, Tirunelveli District, belongs to one Lakshmi Narayanan and Kumar. They alienated the property in favour of one Ponnaiya on 10.11.2011. The said Ponnaiah divided 80 cents into several plots and sold the same vide following Doc.Nos.

(I) 669/13

(ii) 834/13

(ii) 868/13

(iv) 869/13 and

(v) 1405/14.

Though the formal layout approval had not been obtained by Ponnaiah, the respondent did not find anything erroneous in registering the documents from 2013 onwards.



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2. The said Ponnaiah executed the sale deed in favour of the writ petitioner on 19.02.2025. The said document was presented for registration on the same day. The respondent refused to register the document on the ground that the aforesaid five documents had not been registered in compliance of Section 22A(2) of Registration Act. Aggrieved by the same, the present writ petition.

3. I heard Mr.Sankararamasubramanian for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the respondent.

4. Mr.Sankararamasubramanian states that the judgment that is relied upon by the respondent in W.P(MD).No.28645 of 2024, dated 02.12.2024, is inapplicable to the facts of the present case. He states that in the said judgment, a new road had been formed over an un-approved layout and in those circumstances, the learned Single Judge had rejected the challenge made by the petitioner therein. He further points out that Section 22(A) was introduced into the Registration Act by virtue of Tamil Nadu Amendment Act 28/2012, but was not given effect to from the date of insertion till 20.10.2016.



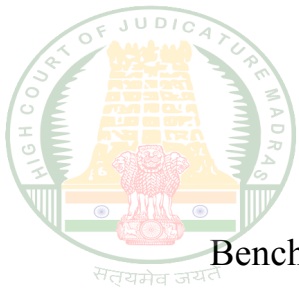
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5. Per contra, Mr.P.T.Thiraviam on the basis of written instructions states that the five documents that had been registered from 2013-2014 were all registered as “மனை-Plots” and no layout approval had been obtained by Ponnaiah prior to execution of the sale deeds. Therefore, he urges that the document falls within the scope of Section 22A(2) of the Registration Act.

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

7. The legislature of the State of Tamil Nadu had amended the Registration Act by virtue of Tamil Nadu Act 28 of 2012. Prior to introduction of this legislation, the sub-Registrars were relying upon G.O.Ms.No.150, Commercial Taxes Department, dated 22.09.2000, in order to reject documents, which did not have layout approval. The said Government Order was challenged before the Principal seat of this Court and the challenge succeeded in the case of ***Captain Dr.R.Bellie and another Vs., The Sub Registrar, Sulur, (2007) 3 MLJ 1025***. A Division



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Bench had struck down the Government Order leaving it open to the State of Tamil Nadu to amend the Registration Act, if it was so advised.

8. Though the legislature had amended the Act as aforesaid, the Sections were not brought into force. It was only after orders were passed in a Public Interest litigation by the First Bench of this Court that the Government finally notified Sections 22A and 22B and brought them into operation. The Government brought the Section 22A into operation on 20.10.2016, though Sections 22A was in the Statute book from 21.06.2012. It was not given effect to till 20.10.2016. If that being the fact situation, it is too much on the part of the respondent to expect from Mr.Ponnaiah to comply with Section 22(A)(2), when the Section was not even in force.

9. Further more, even if approval had not been obtained, this Court in ***D.Rajamanickam Vs., The Sub Registrar, Salem (West)*** in ***W.P.No. 426 of 2022, dated 01.07.2024***, had held that the right to alienate the property being one facet of the right to property under article 300A, a owner of the property is entitled to alienate the property as it stands.



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10. In the light of the above discussion, I have no other option than to quash the impugned order. Accordingly, the impugned refusal check slip dated 19.02.2025 is quashed. There shall be a direction to the respondent to register the document presented by the petitioner within a period two weeks from today (i.e., 27.02.2025) .

11. In result, this Writ Petition is allowed. No costs.

12. Post the matter 'for reporting compliance on 21.03.2025.

Index :Yes / No
NCC :Yes / No
Rmk

27.02.2025

To

The Sub Registrar,
North Veeravanallur Sub Registrar Office,
Tirunelveli District.



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V. LAKSHMINARAYANAN, J.

Rmk

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