



W.P(MD)No.5731 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5731 of 2025
and
W.M.P(MD)No.4195 of 2025

Gopinath

..Petitioner

Vs

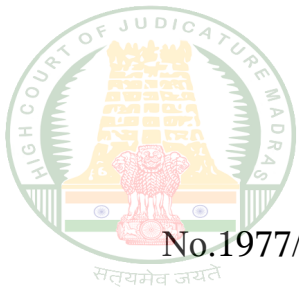
1.The District Registrar (Audit),
Tirunelveli.

2.The District Registrar (Administration),
Tirunelveli.

3.The Sub Registrar,
Panagudi,
Tirunelveli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the impugned refusal check slip under Refusal No. RFL/Panagudi/9/2025 passed by the 3rd respondent dated 24.02.2025 and to quash the same as illegal and further to direct the 3rd respondent to register the sale deed dated 20.01.2025 executed by the petitioner relating to the property situated under Punja Old S.



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No.1977/24A1A its New S. No.1977/28 measuring to an extent of 5.50 cents

equivalent to 0.02.23 hectares located at Perungudi - II Village, Kavalkinaru,

Radhapuram Taluk, Tirunelveli District.

For Petitioner : Ms.J.Annie Infanta
For Respondents : Mr.R.Sureshkumar
Addl. Govt. Pleader

ORDER

The writ petition is filed to quash the impugned refusal check slip in Refusal No. RFL/ Panagudi/9/ 2025 passed by the third respondent dated 24.02.2025 and direct the third respondent to register the sale deed dated 20.01.2025 executed by the petitioner relating to the property measuring an extent of 5.50 cents equivalent to 0.02.23 hectares comprised in old S.No. 1977/24A1A its New S.No.1977/28 situated at Perungudi - II Village, Kavalkinaru, Radhapuram Taluk, Tirunelveli District.

2.The petitioner claims that the aforesaid property belongs to one Venugopal. The said Venugopal purchased the said property through court auction in E.P.No.113 of 1979 in O.S.No.62 of 1973 on the file of the Principal Sub Court, Tirunelveli. The said Venugopal registered the property in Doc. No.L3/1994 on the file of the Sub Registrar, Panagudi. The petitioner



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purchased the property from the said Venugopal on 24.08.2022 through a registered sale deed in Doc. No.3601/2022 on the file of the third respondent.

Subsequently, he intended to alienate the property in favour of one Joseph Sugumar. On 20.01.2025, the document has been presented for registration before the third respondent. The third respondent refused to register the same and rejected it under the impugned refusal check slip. Challenging the same, the present writ petition.

3. Heard Ms.J.Annie Infanta for the petitioner and Mr.R.Sureshkumar, learned Additional Government Pleader for the respondents.

4. Ms.J.Annie Infanta reiterated the facts raised in the affidavit and pleaded that by virtue of the Judgment in **D.Rajamanickam Vs The Sub Registrar, Salem [West]**, W.P.No.426 of 2022 dated 01.07.2024, the impugned refusal check slip cannot stand scrutiny.

5. Mr.R.Sureshkumar, learned Additional Government Pleader states that a new pathway has been created in the document produced by the writ petitioner and it has to be treated as a sale of a house site. He relies upon G.O. (MS).No.78, Housing and Urban Development [UD4(3)] Department, dated



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04.05.2017. The said G.O notified the Tamil Nadu Regulation of Unapproved

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Layouts and Plots Rules, 2017. Relying upon Rule 15(b) of the Rules, he pleads that such an unapproved plot or layout should not be registered under the Registration Act, 1908 (Central Act 9 of 1908) by the Registration Department and therefore, the impugned order is valid.

6. I have carefully considered the submission of both sides.

7. Perusal of the document in Doc. No.3601 of 2022 shows that the transfer is for “அயன் புஞ்சை” or agricultural land. Similarly, the document under which, the petitioner transferred the property in favour of his purchaser one Joseph Sugumar also shows it as “அயன் புஞ்சை”.

8. Insofar as the plea of application of Section 22A(2) of the Registration Act is concerned, I should point out that Section 22A(2) applies when a person transfers an agricultural land as a house site without prior permission of the appropriate authority. Section 22A(2) does not apply when the transfer is of agricultural land, as it is. As pointed out earlier, in the present case, the land has been treated as “அயன் புஞ்சை” or agricultural land. Therefore, Section 22 A (2) does not apply.



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WEB COPY 9. Apart from that, the Tamil Nadu Regulation of Unapproved Layouts and Plots Rules, 2017 is also applicable only when an immovable property is sold either as a plot or a layout. When that not being the situation, the said Rule is also not applicable.

10. In the light of the above discussion, the writ petition is allowed and the impugned refusal check slip under Refusal No. RFL/Panagudi/9/2025 passed by the 3rd respondent dated 24.02.2025 is quashed. The third respondent is directed to register the sale deed dated 20.01.2025 presented by the petitioner and release the same. No costs. Consequently, connected miscellaneous petition is closed.

11. Call the matter on 19.03.2025 for reporting compliance.

04.03.2025

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



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V.LAKSHMINARAYANAN, J.

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