



W.P(MD)No.5756 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5756 of 2025

S.Ruby Anitha

..Petitioner

Vs

The Sub Registrar,
Office of the Sub Registrar
(Registration Department)
Palnagudi,
Tirunelveli District.

..Respondent

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 records pertaining to the impugned Refusal Check Slip under RFL/Panagudi/6/2025 dated 22.01.2025 issued by the respondent and quash the same and to direct the respondent to register the Sale Deed dated 22.01.2025 in respect of the punja lands to an extent of about 3.26 Cents (0.01.32 Hectares) comprised in Survey No.898/1C, Levinjipuram Village, Radhapuram Taluk and Tirunelveli District within a time frame as may be fixed by this Court.



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For Petitioner : Mr.G.Aravinthan
For Respondent : Mr.N.Ramesh Arumugam
Govt. Advocate

ORDER

The writ petition is filed to quash the impugned Refusal Check Slip under RFL/Panagudi/6/2025 dated 22.01.2025 issued by the respondent and to direct the respondent to register the Sale Deed dated 22.01.2025 in respect of the punja lands to an extent of about 3.26 Cents (0.01.32 Hectares) comprised in Survey No.898/1C, Levinjipuram Village, Radhapuram Taluk and Tirunelveli District within the stipulated time.

2. The petitioner claims that the property to an extent of 21 cents situated within total extent of 4 acres 37 cents comprised in S.No.898/1, Levinjipuram Village, Radhapuram Taluk and Tirunelveli District originally belonged to one Edwin Amalasingh by way of a registered Document No.1274 of 2005. The said Edwin Amalasingh sold the entire 21 cents of punja lands to one Micheal Suresh on 09.11.2022 by way of a registered Document No.4791 of 2022 on the file of the respondent. Thereafter, the said Micheal Suresh mutated the revenue records and patta No.9135 had been issued by the Tahsildar, Radhapuram Taluk, Tirunelveli District. Since the petitioner's land to an extent of 1 acres 82



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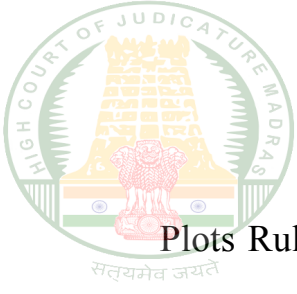
cents in S.Nos.896/1A, 898/2B situated behind back to the land of the said

WEB Micheal Suresh, the petitioner decided to purchase a portion of the land from the said Micheal Suresh. On 22.01.2025, the document has been presented for registration before the respondent. The respondent refused to register the same and rejected it under the impugned refusal check slip. Challenging the same, the present writ petition.

3. Heard Mr.G.Aravinthan for the petitioner and Mr.N.Ramesh Arumugam, learned Additional Government Pleader for the respondents.

4. Mr.G.Aravinthan 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.N.Ramesh Arumugam, learned Government Advocate 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 relied upon G.O.(MS).No. 78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017. The said G.O notifies the Tamil Nadu Regulation of Unapproved Layouts and



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Plots Rules, 2017. Relying upon Rule 15(b) of the Rules, he pleads that such an unapproved plot or layout shall 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.272/2008 shows that the transfer is for “அயன் புஞ்சை” or agricultural land. Similarly, the document under which, the petitioner has purchased the property from Micheal Suresh 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 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 22A(2) does not apply.



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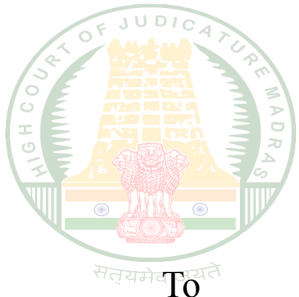
9. Apart from that, the Tamil Nadu Regulation of Unapproved Layouts and Plots Rules, 2017 is also applicable only when an immovable property is sold either as a plot or a layout. When that not being the situation, the said Rule is also not applicable.

10. In the light of the above discussion, the writ petition is allowed and the impugned Refusal Check Slip under RFL/Panagudi/6/2025 dated 22.01.2025 issued by the respondent is quashed. The respondent is directed to register the sale deed dated 22.01.2025 presented by the petitioner and release the same. Quashing the impugned order and permitting the petitioner to register the document will not entitle the petitioner to convert the agricultural land into a house site. In case such step is taken, and sale deed is presented, the Sub Registrar has power to invoke Section 22A(2) of the Registration Act. No costs.

11. Call the matter on 20.03.2025 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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