



W.P.(MD) No.6191 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.6191 of 2025
and
W.M.P.(MD) No.4530 of 2025

1.Sathik Batcha

2.Sharmila Banu

... Petitioners

-VS-

1.The District Registrar
(Administration)
District Registration Office
Tiruchirappalli District

2.The Sub Registrar
Registration Department
Manapparai
Trichy District

... Respondents

PRAYER: 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 refusal check slip issued by the second respondent *vide* Refusal No.RFL/Manapparai/49/2025, dated 26.02.2025 and to quash the same as



W.P.(MD) No.6191 of 2025

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illegal and consequently direct the second respondent to receive and register the sale deed dated 26.02.2025 presented by the petitioners, release the same as per the Registration Act, 1908, within the time frame as fixed by this Court.

For Petitioners : Ms.M.Chitra

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

ORDER

Heard Ms.M.Chitra, learned counsel for the petitioners and Mr.R.Suresh Kumar, learned Additional Government Pleader, appearing for the respondents.

2. The petitioners challenge the proceedings of the second respondent in issuing a refusal check slip on 26.02.2025. The petitioners also seek for a mandamus to register the document presented by them after quashing the impugned check slip.

3. The claim of the petitioners is that the property situated in T.S.No.134/7 and new Survey No.707/1A1B2 part of Sevaloor Village,



W.P.(MD) No.6191 of 2025

WEB COPY

Manapparai Taluk, Trichirappalli District, belonged to one Gengapathy Ammal.

4. The said Gengapathy Ammal had purchased the property to an extent of 8 Acres 10 Cents, by way of a registered sale deed, dated 27.01.1965 from one Santhappan.

5. The said Gengapathy Ammal executed a settlement deed in favour of her son Ramachandran, to an extent of 17004 sq.ft. The same was registered as document No.2736 of 2008, dated 21.07.2008.

6. Having come by the aforesaid extent, the said Ramachandran sold an extent of 4560 sq.ft., in favour of one Sharmila Banu / second petitioner, on 03.05.2021. The first petitioner seeks to purchase the property from the second petitioner. They presented a document before the second respondent / Sub Registrar for registration on 26.02.2025. However, the second respondent issued the impugned refusal check slip stating that as a new pathway is being created, registration of document in respect of the subject property is hit by Section 22A of the Tamil Nadu Registration Act, 1908. Hence, this writ petition.



W.P.(MD) No.6191 of 2025

WEB COPY

7. Ms.M.Chitra invites my attention to the proviso appended under Sub-Section (2) of Section 22A of the Registration Act, 1908. She points out that if the site had earlier been registered as a house site by the Registering Authority, then there is no bar to receive a subsequent document transferring title as a house site.

8. Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the respondents, points out that under Sub-Section (2) to Section 22A of the Registration Act, 1908, unless and until permission is obtained for development of the land from the Local Planning Authority, the Registering Authority cannot receive any document for registration.

9. I have carefully considered the submissions made on either side.

10. Mr.R.Suresh Kumar, learned Additional Government Pleader, is partly right that unless and until “in principal” approval has been granted by the Director of Town and Country Planning and a regularization order has been granted by the Local Authority, documents in respect of agricultural



W.P.(MD) No.6191 of 2025

WEB COPY

lands, cannot be registered as house sites. However, there is an exception to this bar under Sub-Section (2) to Section 22A of the Registration Act, 1908. It is found that under the proviso appended under Sub-Section (2) to Section 22A. In terms of the said proviso, if a property has already been dealt with a house site, without having complied with Sub-Section (2) to Section 22A of the Registration Act, 1908; then, there is no bar for the Sub Registrar to receive a subsequent document for the said house site. The proviso makes it clear that there should be a previous document denominating the property, for which the document is presented for registration, as house site .

11. Applying the said principle to this case, it is clear the predecessor-in-title of the second petitioner had plotted out the property with a road and had sold the property to the second petitioner. That document had been registered on 03.05.2021. As already there exists a previous document, the proviso appended under Sub-Section (2) to Section 22A of the Registration Act, 1908, applies to the facts of the case on hand. Hence, the impugned refusal check slip cannot be sustained.

12. Accordingly, this writ petition is allowed and the impugned refusal check slip, dated 26.02.2025, issued by the second respondent, is



W.P.(MD) No.6191 of 2025

WEB COPY

quashed. The second respondent is directed to register the sale deed presented by second petitioner in favour of the first petitioner on 26.02.2025, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

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

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To:

- 1.The District Registrar,
(Administration),
District Registration Office,
Tiruchirappalli District.
- 2.The Sub Registrar,
Registration Department,
Manapparai,
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W.P.(MD) No.6191 of 2025

V.LAKSHMINARAYANAN, J.

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