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W.P.(MD)No.7066 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.7066 of 2025

1.C.Kannappan
2.K.deepak Selvam
3.K.Ravin Selvam

... Petitioners

VS.

The Sub Registrar,
Eraniel, Kanyakumari.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the common impugned refusal check slip under Refusal No.RFL/Eraniel/11/2025 and Refusal No.RFL/Eraniel/12/2025 passed by the respondent dated 24.01.2025 and to quash the same as illegal and further to direct the respondent to register the sale deed dated 24.01.2025 executed by the petitioner relating to the property situated under Old S.No.275/15 its New S.No.275/15A located at Ward No.1, Aaloor A



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Revenue Village, Kalkulam Taluk, Eraniel, Kanyakumari measuring to an extent of 4.134 cents and further to register property under S.No.275/16A and 275/17A located at Ward No.1, Aaloor A Revenue Village, Kalkulam Taluk Earniel, Kanyakumari measuring to an extent of 06 cents.

For Petitioners : Mr.B.Micheal Sebastin

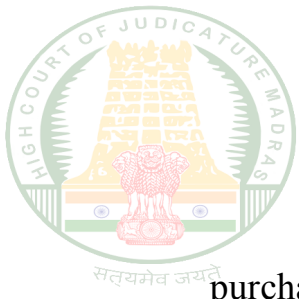
For Respondent : Mr.P.T.Thairaviyam
Government Advocate

ORDER

The petitioner challenges the impugned refusal check slip dated 24.01.2025 issued by the respondent.

2. The first petitioner's wife and the mother of the petitioners 2 and 3 is one Shanthi. She obtained the property situated in Old S.No.275/15, New S.No.275/15A, Aaloor A Revenue Village, Kalkulam Taluk, Eraniel, Kanyakumari District, from her father one Palavesamuthu. He had executed a “WILL” in favour of his daughter for property to an extent of 14.75 cents in the aforesaid survey number. Subsequently, Shanthi

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purchased the property in the adjacent Survey numbers in No.275/16A and 275/17A by way of a registered document in Doc.No.2147/2007 from one P.Sankaran @ Selvaraj. The said Shanthi passed away on 24.12.2023 leaving behind the petitioners as her legal heirs.

3. The petitioners intended to alienate the property in S.No. 275/15A in favour of 2 persons, namely, Srimathi and Lakshmi and the property situated in S.No.275/16A and S.No.275/17A in favour of Manikandan. They had executed a sale deed in favour of the aforesaid persons on 24.01.2025 and presented the same for registration to the respondent. The respondent issued a refusal check slip stating that the alienation attracts Section 22A(2) of Registration Act (hereinafter referred to as 'Act' for brevity). Hence, this writ petition.

4. I heard Mr.B.Micheal Sebastin for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate, who takes notice for the respondent.



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5. Mr.B.Miheal Sebastin reiterated the contentions of the affidavit and pointed out the petitioners had earlier sold an extent of 4 cents and 5.668 cents respectively in S.No.275/15A in favour of Balmathi and Sahayavalavan on 19.06.2024. Subsequently, they sold an another extent of 4.5 cents in S.Nos.275/16A and 275/17A in favour of one Lingeshwari on 11.09.2024. He points out that the remaining property alone had been dealt with under the two sale deeds executed on 24.01.2025. Hence, seeks quashing the impugned order.

6. Per contra, Mr.P.T.Thiraviyam points out that the alienation is one of “காலிமனை”, which shows that the petitioner has unauthorizedly converted the land into a plot without obtaining approval from the appropriate planning authority and therefore, Section 22A(2) of the Act operates.

7. I have carefully considered the submissions made on either side and gone through the records.



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8. Proviso to Section 22A(2) of the Act points out that if a property has already been dealt with as plot and has been registered as such, then the subsequent document for the very same plot can be registered as a housing plot.

9. A perusal of the document, under which, the property was purchased by the deceased Shanthi shows that it had been purchased as “காலிமனை” from the vendor P.Sankaran @ Selvaraj. This “காலிமனை” is what has been alienated today by the legal heirs of Shanthi. If Shanthi could get the benefit of Section 22A(2) proviso, her legal heirs are also entitled to the same benefit. When the property has been dealt with as “காலிமனை” in the year 2007, much before Section 22A(2) was notified, there is no bar for the successor in interest of the previous owner from alienating the same in that capacity.

10. In any event, the issue is covered by a judgment of this Court in the case of ***D.Rajamanickam Vs., The Sub Registrar, Salem (West)*** in ***W.P.No.426 of 2022, dated 01.07.2024.***



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11. In the light of the above discussion, the common impugned refusal check slip under Refusal No.RFL/Eraniel/11/2025 and Refusal No.RFL/Eraniel/12/2025 passed by the respondent dated 24.01.2025, are hereby quashed. There shall be a direction to the respondent to register the document presented by the petitioner within a period of two (2) weeks from the date of uploading of this order.

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

13. Post the matter after three weeks 'for reporting compliance'.

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

18.03.2025
(3/3)

To
The Sub Registrar,
Eraniel, Kanyakumari.

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V. LAKSHMINARAYANAN, J.

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