

W.P(MD)No.7318 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.7318 of 2025

C.Rajesh
Door No.5/10, Ganesapuram,
Pulavar vilai, Kottar,
Nagercoil,
Represented by his Power Agent:
Sankar,
S/o Madaswamy,
Door No.16/5,
Muthaliyar Vilai,
Nagercoil.

..Petitioner

Vs

1. The Inspector General of Registration,
Office of the Inspector of General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai.
2. The District Registrar,
District Registrar Office,
Palayamkottai,
Tirunelveli District.
- 3.The Sub Registrar,
Sub Registrar Office,
Moolakaraipatti,
Tirunelveli District.

..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



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records of the Impugned Refusal Check Slip in RFL/Moolakaraipatti/30/2025 passed by the 3rd respondent on 06.03.2025 and quash the same as illegal, and consequently, direct the third respondent to register the Sale Deed dated 27.02.2025 executed by the Petitioner's Power of Attorney in favour of Mr.Seelan in accordance with law and within the time frame as may be fixed by this Court.

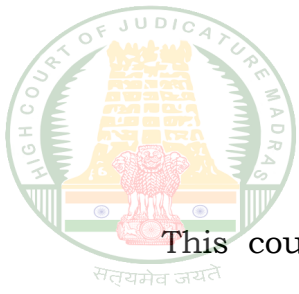
For Petitioner : Mr.Subbu Ranga Barathi for
Mr.C.SusiKumar

For Respondents : Mr.R.Suresh Kumar
Addl. Govt. Pleader

ORDER

The petitioner seeks to quash the Impugned Refusal Check Slip in RFL/Moolakaraipatti/30/2025 issued by the 3rd respondent on 06.03.2025 and direct the third respondent to register the sale deed dated 27.02.2025 executed by the petitioner's Power of Attorney in favour of Mr.Seelan in accordance with law.

2. The petitioner purchased an agricultural land measuring an extent of 2.62.00 hectares comprised in S.No.495/2A situated at Ariyakulam Village, Naguneri Taluk, Tirunelveli District, through a registered sale deed dated 17.08.2023. Subsequent thereto, the petitioner alienated the property in favour of third parties. The sale was executed as agricultural land. It was not accepted by the third respondent, who issued the refusal check slip.

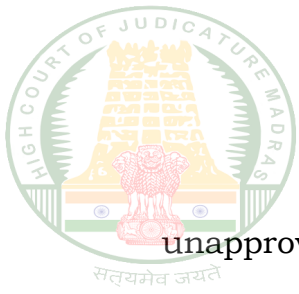


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This court quashed the check slip in W.P.(MD).No.30381 of 2024 dated 17.12.2024. Yet again, when the alienation was made, the third respondent refused to receive the document. The petitioner approached this court in W.P.(MD).No.4666 of 2025. When that writ petition came up for admission, the third respondent stated that the document was already registered in Doc. No.438/2025. Hence, that writ petition was closed. Thereafter, the petitioner attempted to sell 34 cents of punja land in favour of one Seelan. Yet again the third respondent has passed the impugned order stating that Section 22A(2) of the Registration Act is attracted. Hence, the present writ petition.

3. Mr.Subbu Ranga Bharathi for Mr.C.Susikumar pleads that the alienation of the property is only as agricultural land. Therefore, Section 22A will not be applicable.

4. Mr.R.Sureshkumar, learned Additional Government Pleader points out that step by step a large extent of 6 acres and 47 cents is being subdivided and sold individually. He states that a new road has been created in the document produced by the writ petitioner, and therefore, 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 04.05.2017. The said G.O, notified the Tamil Nadu Regulation of Unapproved Layouts and Plots Rules, 2017. Relying upon Rule 15(b) of the Rules, he pleads that such an



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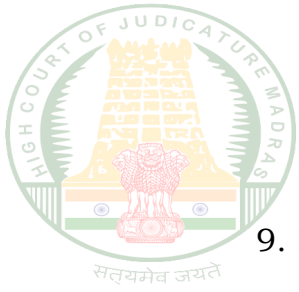
unapproved plot or layout should not be registered under the Registration Act, 1908. Therefore, the impugned order is valid.

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

6. Insofar as the plea of application of Section 22A(2) of the Registration Act is concerned, I should point out that Section applies when a person transfers 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 “mad; GQ;ir” or agricultural land. Therefore, Section 22A(2) does not apply.

7. 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 as part of a layout. When that is not the situation here, the said Rule is also not applicable.

8. Further, the issue is no longer *res integra* and it had been settled by the Judgment of the Hon'ble Mr.Justice N.Sathishkumar in **D.Rajamanickam Vs The Sub Registrar, Salem [West], W.P.No.426 of 2022 dated 01.07.2024.**



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9. In the light of the above discussion, the writ petition is allowed and the Impugned Refusal Check Slip in RFL/Moolakaraipatti/30/2025 passed by the 3rd respondent on 06.03.2025 is quashed. The third respondent is directed to register the sale deed dated 27.02.2025 presented by the petitioner, within a period of two weeks from the date of uploading of this order. No costs.

10. Call the matter after three weeks for reporting compliance.

19.03.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

1. The Inspector General of Registration,
Office of the Inspector of General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai.
2. The District Registrar,
District Registrar Office,
Palayamkottai,
Tirunelveli District.
3. The Sub Registrar,
Sub Registrar Office,
Moolakaraipatti,
Tirunelveli District.



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V.LAKSHMINARAYANAN, J.

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