



W.P(MD)No.7531 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.03.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.7531 of 2025

A.Krishnan

..Petitioner

Vs

The Sub Registrar Joint – 1,
Sivagangai,
Sivagangai 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 return check slip passed by the respondent in his proceedings in Refusal No. RFL/1 Joint Sub Registrar Sivagangai/3/2025 and Refusal Number. RFL/1 Joint Sub Registrar Sivagangai/4/2025 dated 12.03.2025 and quash the same as illegal and consequently direct the respondent to register the settlement deed dated 12.03.2025 presented by the petitioner for the registration and release the same to the petitioner.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.R.Sureshkumar
Spl. Govt. Pleader



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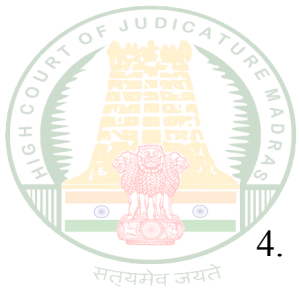
ORDER

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The petitioner challenges the order of the respondent dated 12.03.2025 in refusing to entertain the settlement deeds executed by him in favour of his children, K.Malathi and K.Sathish Kumar.

2. The petitioner and the property involved in this writ petition faced several rounds of litigation. Originally, a suit for partition was filed in the year 1994 on the file of the Sub Court, Devakottai. The suit was decreed. An appeal was preferred before this Court in A.S.(MD)No.38 of 1995. It was dismissed in the year 2011. As against which, a special leave petition was preferred to the Supreme Court, which came to be dismissed in the year 2012. Thereafter, a review petition was filed, which too was dismissed in the year 2013.

3. Yet again, litigation was sought to be revived at the instance of one Pandi @ Alagarsamy. The family decided that enough was enough and decided to put on end to the litigation. Consequently, the members of the family entered into a partition deed in Doc. No.1816/2024. This document was executed on 19.07.2024. In the said partition deed, the said Pandi @ Alagarsamy was allotted a share, which he settled in favour of his sons, P.Gopinath, and P.Selvakumar. These documents too had been registered in Doc. No.1884/2024 and 1897/2024 on 26.07.2024.



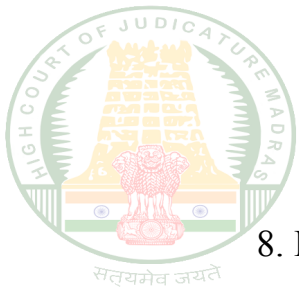
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4. The petitioner, in order to put his affairs in order, executed two settlement deeds in favour of his children, Malathi, and Sathishkumar. The said documents were executed on 12.03.2025. The same were presented for registration before the respondent, who refused to register the same, invoking Section 22A of the Registration Act. Aggrieved by the same, the present writ petition.

5. I heard Mr.J.Jeyakumaran, for the petitioner, and Mr.R.Sureshkumar, learned Additional Government Pleader for the respondent.

6. Mr.J.Jeyakumaran pleaded that the “G” schedule mentioned property under the partition deed dated 19.07.2024 is a “Punja Land,” and it is the very same punja land transferred to the children of the petitioner. He states that section 22A is not attracted.

7. Per contra, Mr.R.Sureshkumar, learned Additional Government Pleader supporting the impugned order, pleads that the extent of the property and the pathway created over the land show that an attempt has been made by the writ petitioner and his children to convert the agricultural land into housing plots without obtaining approval from DTCP and from the Local Planning Authority.



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8. I have considered the submission of both the counsels.

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9. For the purpose of section 22A(2) of the Registration Act to apply, there should be an attempt by the executant to convert land classified as agricultural land into housing plots. The Registration Act does not bar conversion totally, but demands that prior to such conversion, the executant should get permission from the appropriate planning authority.

10. In case approval is not obtained, section 22A demands that the concerned Sub Registrar should not register the document. If, despite the bar under Section 22A, the Sub Registrar registers the document, he faces penal consequences under Section 81A of the Registration Act.

11. However, the bar under section 22A does not apply, when the agricultural land is transferred as agricultural land itself.

12. A perusal of the two settlement deeds executed by the writ petitioner in favour of his son and daughter makes it clear that the alienation is only of □அயன் புஞ்சை□ land. Therefore, it does not attract section 22A. In addition, the petitioner/settlor has given the following undertaking:



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“3. I humbly submit that myself and my daughter namely, K.Malathi/Settlee and my son namely K.Sathish Kumar/Settlee hereby undertakes that, even after the registration of the gift settlement deed pertains to S.No.7/14, to an extent of 11.58 cents will not be converted as a plot without getting approval from the contempt authorities. We will maintain the land as a punja land.”

13. This undertaking is supported by the two settlees in the following terms.

Malathi:

“3. I humbly submit that, I hereby undertakes that, even after the registration of the gift settlement deed pertains to S.No. 7/14, to an extent of 6.58 cents, it will not be converted as a housing plot without getting approval from the competent authorities. I will maintain the land as a punja land.”

Sathishkumar:

“3. I humbly submit that, I hereby undertakes that, even after the registration of the gift settlement deed pertains to S.No. 7/14, to an extent of 5 cents, it will not be converted as a housing plot without getting approval from the competent authorities. I will maintain the land as a punja land.”

14. In the light of the clear undertaking given by the petitioner and his



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children/settlees that they will not convert the lands into housing plots without getting approval from the competent authority, I am inclined to allow the writ petition.

15. Accordingly, this writ petition is allowed, and the impugned return check slip passed by the respondent in his proceedings in Refusal No. RFL/1 Joint Sub Registrar Sivagangai/3/2025, and Refusal Number. RFL/1 Joint Sub Registrar Sivagangai/4/2025, dated 12.03.2025 are quashed. There shall be a direction to the respondent to register the settlement deeds dated 12.03.2025 within a period of two weeks from the date of uploading of this order.

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

21.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

The Sub Registrar Joint – 1,
Sivagangai,
Sivagangai District.



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V.LAKSHMINARAYANAN, J.

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