



W.P.(MD)No.7647 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.7647 of 2025

1.Esakki Mari
2.Kaasithai

... Petitioners

Vs.

The Sub-Registrar,
Mukkudal Sub Registrar Office,
Mukkudal, Cheranmahadevi Taluk,
Tirunelveli District- 627 601.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of impugned order issued by the respondent herein in Refusal Number: RFL/Mukkudal/11/2025, dated 28.02.2025 and quash the same and directing the respondent to register the sale deed presented by the petitioners dated 27.02.2025.

For Petitioners : Mr.T.Selvan

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



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ORDER

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The petitioners state that the property to an extent of 33 cents out of 79 cents in Pappakudi Village Part-1, Cheranmahadevi Taluk, Tirunelveli District, belongs to the second petitioner. She had obtained the same by way of a settlement deed executed in her favour on 14.11.2016 registered as Doc.No.2598/2016. On 10.02.2022, the second petitioner executed a sale deed in favour of the first writ petitioner to an extent of 15 cents. This sale was registered in Doc.No.283/2022. In the remaining 31 cents, the second petitioner continued to carry on her agricultural activities. For the remaining property standing in her name, the second petitioner executed a sale deed in favour of the first respondent on 28.02.2025. The document was presented for registration on the same day.

2. The sole respondent refused to register the document, under the impugned order, on the ground that the previous alienation made by the second petitioner in respect of 15 cents of subject land has to be taken as a portion sold without approval of the competent authority and hence, it attracts Section 22A(2) of the Registration Act.



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3. Challenging the same, the present writ petition has come forth before this Court.

4. I heard Mr.T.Selvan for the writ petitioners and Mr.R.Suresh Kumar, learned Additional Government Pleader, for the respondent.

5. A perusal of the settlement deed executed in favour of the second petitioner shows that the transfer was of “Ayan Punja”. Subsequently, the second petitioner has transferred 15 cents of “Ayan Punja” in favour of the first petitioner. Insofar as the present document is concerned, the schedule of property shows that the alienation is again of “Ayan Punja” in S.No.156. This shows that transfer of the property is in the nature of agricultural transfer and not one in the nature of housing plot.

6. For the purpose of attracting Section 22A(2) of the Registration Ac, the transfer should be of an agricultural land converted without permission of the appropriate planning authority into a lay out or housing



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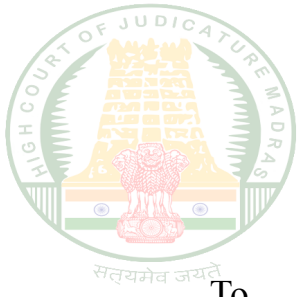
plot. The provision is not attracted when agricultural land is sold as agricultural land. A perusal of schedule property at page No.37 of the typed set of papers indicates that the transfer is one of agricultural land. Hence, Section 22A(2) of the Registration Act is not attracted. Consequently, the impugned refusal check slip in Refusal No.RFL/Mukkudal/11/2025, dated 28.02.2025, passed by the first respondent is hereby quashed. There shall be a direction to the respondent to register the sale deed dated 27.02.2025 presented by the petitioner, within a period of two(2) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is allowed. No costs.

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

Index :Yes / No
NCC :Yes / No
Rmk

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(1/2)



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To
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The Sub-Registrar,
Mukkudal Sub Registrar Office,
Mukkudal, Cheranmahadevi Taluk,
Tirunelveli District- 627 601.



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V. LAKSHMINARAYANAN, J.

Rmk

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