



W.P.(MD)No.7986 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.7986 of 2025

Mangaleshwari

... Petitioner

vs.

1.The District Registrar,
Dindigul District.

2.The Sub Registrar,
Vadamadurai Sub Registrar Office,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip in RFL/Vadamadurai/57/2025 dated 03.03.2025 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondent No.2 register the sale deed presented by the petitioner dated 03.03.2025 within time stipulated by this Court.

For Petitioner :Mr.K.Dinesh

For Respondents :Mr.R.Suresh Kumar

Additional Government Pleader



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ORDER

This writ petition has been filed to call for the records pertaining to the impugned Refusal Check Slip in RFL/Vadamadurai/57/2025 dated 03.03.2025 passed by the second respondent, to quash the same as illegal and consequently direct the second respondent to register the sale deed presented by the petitioner dated 03.03.2025.

2.The petitioner states that her husband, Arumugam along with his brother, Murugan, had purchased the property in S.Nos.646/4, 1139/2A and 646/2A2 of Ayyalur Village, Vedaenthur Taluk, Dindigul District from one Saraswathy on 21.06.2012. This property was registered in Doc.No.2976/2012 and also suffered a rectification in Doc.No.4835/2014.

3.The petitioner pleads that prior to coming into force of Section 22A of the Registration Act, 1908, her deceased husband and brother had alienated portions of property purchased by them as house sites. She pleads that Arumugam passed away on 04.01.2021, leaving behind the petitioner and her two children as his legal heirs. In pursuance thereto,

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the petitioner's children and her brother-in-law, Murugan, executed a sale deed in favour of the petitioner for the remaining lands. She pleads that when she presented the document for registration, the second respondent refused to receive the same pointing Section 22A of the Registration Act, 1908, as a bar for registration. Hence, this writ petition.

4.I heard Mr.K.Dinesh, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents.

5.Mr.K.Dinesh pleads that the property, which is being alienated in favour of the writ petitioner, is only an agricultural land and that she will continue to utilize the property solely as an agricultural land alone. Mr.R.Suresh Kumar pointed out that in case the petitioner files an affidavit of undertaking that she will utilize the property only as an agricultural land, the Court may consider the relief sought for by the petitioner.

6.To enable Mr.K.Dinesh to file an affidavit, I adjourned the matter on 24.03.2025. When the matter came up today, an undertaking



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affidavit filed by the writ petitioner in USR.No.6498/2025 on 25.03.2025

was placed before me. A copy of the said affidavit has also been served on Mr.R.Suresh Kumar.

7.The narration of facts goes to show that a portion of the agricultural land had been converted into housing site and sold by the petitioner's husband and her brother-in-law several years ago. On account of the death of her husband, the children and her brother-in-law (co-owner along with her husband) are proposing to alienate the property in favour of the writ petitioner. The extent of alienation is one acre.

8.Section 22A(2) of the Registration Act, 1908 will apply only if the agricultural land is converted into a housing site un-authorizedly. However, where the agricultural land is sold as an agricultural land, Section 22A(2) of the Act will not be attracted. A perusal of the sale deed shows that the alienation pertains solely to an agricultural land.

9.In addition, the undertaking given by the petitioner in paragraph No.3 of the affidavit reads as follows:-



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“3.....I will not alienate the property as house sites or

register any document in near future as house site and I will certainly use the lands as Agricultural lands as mentioned in the sale deed presented by me before the 2nd respondent. Further after getting prior building plan approval from the authorities concern I will register the lands as house sites in accordance with law.”

10.In the light of the above discussion, the Writ Petition is allowed. The impugned order is quashed. There shall be a direction to the respondents to register the sale deed executed in favour of the petitioner within a period of two weeks from the date of uploading of a copy of this order. No costs.

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

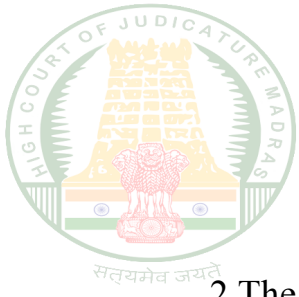
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To

1.The District Registrar,
Dindigul District.

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2.The Sub Registrar,
Vadamadurai Sub Registrar Office,
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V. LAKSHMINARAYANAN, J.

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