



W.P(MD)No.8467 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.8467 of 2025

Muthulakshmi

... Petitioner

Vs

The Sub Registrar,
Pettai Sub Registration Office,
Tirunelveli 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 Refusal Check Slip issued by the respondent vide No.6/2025 dated 19.02.2025 and quash the same as illegal and unconstitutional and consequently direct the respondents to register the said document which has been executed by the petitioner in favour of Mahil Merlin on 19.02.2025 within the time stipulated by this Court.

For Petitioner : Mr.P. Mahendran
For Respondent : Mr.R. Suresh Kumar,
Additional Government Pleader.



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ORDER

The petitioner seeks to quash the impugned Refusal Check Slip issued by the respondent vide No.6/2025 dated 19.02.2025 and to direct the respondents to register the document presented by the petitioner in favour of Mahil Merlin on 19.02.2025 within the stipulated time.

2. The petitioner states that she purchased the property measuring an extent of 21 cents out of the total extent of 1 acre 69 cents comprised in S.No.3/2A 2 (R.S.No.370/2A 2B), situated at Kondanagaram Village, Tirunelveli District, from one Anuradha. The purchase was by way of a registered document in Doc. No. 803/2022 dated 23.02.2022. The petitioner pleads that she is cultivating the said lands and raising various trees such as mango, neem trees, etc. Due to the financial crisis, she decided to alienate the property in favour of one Mahil Merlin, wife of S. Aravind. She executed a sale deed on 19.02.2025 and presented the same for registration. The respondent refused to register the same and issued the impugned refusal check slip. The impugned refusal check slip refers to Section 22A(2) of the Registration Act, in effect holding that the petitioner is attempting to convert agricultural land into housing plots. Challenging the same, the present writ petition.



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3. I heard Mr.P.Mahendran, for the petitioner, and Mr.R.Sureshkumar, learned Additional Government Pleader, for the respondent.

4. Mr.P.Mahendran states that the petitioner has no intention to convert the land into housing plots and that the purpose of alienation is only for carrying on agricultural activities.

5. Mr.R. Sureshkumar, referring to the impugned order, pleaded that, the extent being 21 cents, there is a possibility that the land will be converted from the agricultural one into a house site. As such conversion requires permission from the Directorate of Town and Country Planning and the Local Planning Authority, the respondent rightly refused to register the sale deed.

6. In response, Mr.P.Mahendran referred to the undertaking affidavit filed by the petitioner, Muthulakshmi, as well as by the purchaser, Mahil Merlin, to the effect that the property would not be converted into housing plots, and pleaded that the impugned order be quashed.



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7. I have carefully considered the submission of both sides and gone through the records.

8. Insofar as the application of Section 22A(2) of the Registration Act is concerned, I should point out that Section 22A(2) applies when a person transfers an agricultural land as a house site without prior permission of the appropriate authority. Section 22A(2) does not apply when the agricultural land is transferred as it is. In the present case, the land has been transferred to Mahil Merlin as “அயன் பஞ்சை.” Therefore, Section 22 A (2) does not apply. In addition, the petitioner/vendor has given the following undertaking:

“5.By this undertaking affidavit, I humbly reiterate that I would use the lands comprised in S.No.3/2 A 2 (R.S.No.370/2A 2B) measuring an extent of 21 cents out of a total extent of 1 Acre 69 cents which is situated at Kondanagaram Village, Tirunelveli District, only for agricultural purposes and I am also selling the said property on the strict condition that the same shall be used for agricultural purpose only and it would not be plotted out.”

9. This undertaking is supported by the purchaser in the following terms.

“3. By this undertaking affidavit, I humbly reiterate that I will use the lands comprised in S.No.



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3/2 A2 (R.S.No.370/2A2B) measuring an extent of 21 cents out of a total extent of 1 Acre 69 cents which is situated at Kondanagaram Village, Tirunelveli District, only for agricultural purposes on the strict condition that the same shall be used for agricultural purposes only and it would not be plotted out. .”

10. In the light of the above discussion, the writ petition succeeds. The impugned Refusal Check Slip issued by the respondent vide No. 6/2025 dated 19.02.2025 is set aside. The writ petition is allowed. There shall be a direction to the respondent to register the document executed by the petitioner in favour of Mahil Merlin on 19.02.2025 within a period of two weeks from the date of uploading of this order.

11. Needless to add that in case the purchaser, Mahil Merlin, intends to convert the property into a house plot, she shall obtain permission from the Directorate of Town and Country Planning and the Local Planning Authority before proceeding further. No costs.

03.04.2025

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



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To

The Sub Registrar,
Pettai Sub Registration Office,
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V.LAKSHMINARAYANAN, J.

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