



W.P.(MD)No.8924 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.8924 of 2025

K.Vengadasalapati

... Petitioner

vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
M.Reddiyapatti,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip by its Refusal No. RFL/M. Reddiyapatti/3/2025 issued by the 2nd respondent dated 24.03.2025 and quash the same as unlawful and unsustainable consequently directing the 2nd respondent to register the gift settlement deed dated 24.03.2025 as and when the same is presented by the petitioner.

For Petitioner :Mr.S.Kishore Kumar

For Respondents :Mr.P.T.Thiraviyam

Government Advocate



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ORDER

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The writ petition has been filed to call for the records pertaining to the refusal check slip by its Refusal No.RFL/M. Reddiyapatti/3/2025 issued by the second respondent dated 24.03.2025, to quash the same as unlawful and un-sustainable and to direct the second respondent to register the gift settlement deed dated 24.03.2025 as and when the same is presented by the petitioner.

2.The petitioner states that he purchased the property situated in Old S.No.12/9, New S.No.12/18 of Thummuchinnampatti Village, Aruppukottai Taluk, Virudhunagar District from one Rengammal. He claims to be in possession and enjoyment of the property from the date of purchase ie., on 21.10.2003.

3.Out of natural love and affection for his son-in-law, Gopala Krishnan, the petitioner executed a settlement deed. However, when the same was presented for registration, it was refused under the impugned refusal check slip. Hence, this writ petition.



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4. When the matter came up for hearing, I heard Mr.S.Kishore Kumar for the petitioner and Mr.P.T.Thiraviyam for the respondents.

5. Mr.S.Kishore Kumar narrated the facts of the case and pleaded that the property that is being alienated under the settlement deed is not a house site, but agricultural land.

6. Mr.P.T.Thiraviyam points out that the extent of the property is small and, therefore, there is a presumption that it is a house site. Hence, he pleads that the impugned order is correct and does not require interference.

7. I have carefully considered the submissions of both sides.

8. Section 22-A(2) of the Registration Act, 1908, applies if an agricultural property is alienated as a house site, without approval from the planning authorities. In such a case, the Sub Registrar is barred from receiving documents. However, if the agricultural land is sold or transferred as agricultural land, then, it does not attract the provisions of Section 22-A(2) of the Registration Act, 1908. A perusal of the affidavit



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shows that the petitioner does not intend to convert the agricultural land into a house site. This statement of the petitioner in the affidavit is taken as an undertaking given to this Court.

9. When the agricultural land is alienated as agricultural land, it does not attract the bar contemplated under the said Section. Furthermore, previous document has also been registered for the very same property.

10. In the light of the above discussion, the impugned order is quashed. The second respondent is directed to register the settlement deed executed by the petitioner in favour of his son-in-law, Gopala Krishnan, within a period of two weeks from the date of uploading of a copy of this order.

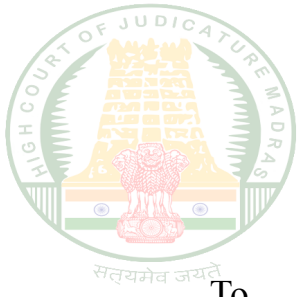
11. The Writ Petition stands allowed, with the aforesaid directions.

No costs.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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Virudhunagar District,
Virudhunagar.
- 2.The Sub Registrar,
M.Reddiyapatti,
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V. LAKSHMINARAYANAN, J.

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