



W.P(MD)No.9033 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.9033 of 2025

T.Selvaraj

... Petitioner

Vs

The Sub Registrar,
Elumalai Sub Registrar Office,
Madurai 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 / Elumalai/19/2025 dated 13.03.2025 and quash the same as illegal and consequently direct the respondent to register the sale deed dated 13.03.2025 presented by the petitioner for the registration and release the same to the petitioner.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.R. Suresh Kumar
Additional Government Prosecutor



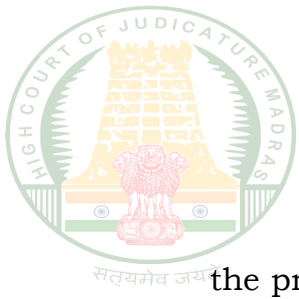
W.P(MD)No.9033 of 2025

WEB COPY

ORDER

The petitioner seeks to quash the impugned return check slip issued by the respondent in his proceedings in Refusal No. RFL / Elumalai/19/2025 dated 13.03.2025 and to direct the respondent to register the sale deed dated 13.03.2025 presented by the petitioner for the registration and release the same to the petitioner.

2. The petitioner states that the property classified as “அயன் நஞ்சை” measuring an extent of 1.33 acres and an extent of 88 cents comprised in S.No.532/4 and 535/3, respectively, situated at Elumalai Village, Sedapatti Union, Elumalai Sub Division, Periyakulam, belonged to one Shanmugavela Pillai and Ramasamy, respectively. The above said properties were purchased by one Chellam Nadar through registered sale deeds in Doc No.2773/1950 dated 21.07.1950 and Doc. No.4065/1951 dated 18.09.1951. The said Chellam Nadar executed a registered “WILL” in favour of his wife, Ranjitham. Thereafter, the petitioner purchased the property from the son and wife of the said Chellam Nadar by way of a registered sale deed dated 05.03.1993. The petitioner sold some extent to the third party and retained a portion of 13.31 cents. On 13.03.2025, he presented a sale deed in favour of a third party. In the sale deed too,



W.P(MD)No.9033 of 2025

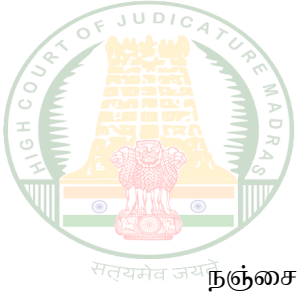
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the property is prescribed as “அயன் நஞ்சை” together with Sub Division No.532/4A4. The property being adjacent to the Elumalai to Madurai State Highway had shown as schedule. Hence, the sale was refused to be registered by the respondent, stating that the property is unapproved and not regularized as a house site. Challenging the same, the present writ petition.

3. I have heard Mr.J.Jeyakumaran, for the petitioner, and Mr.R.Sureshkumar, for the respondent.

4. Mr.J.Jeyakumaran brings to my notice that for the very same property, the respondent had registered the documents in Doc. Nos. 411/2023, 412/2023, 1884/2024 and 45/2025. When the sale deed was presented on 13.03.2025, the respondent raised an objection that it is an unapproved layout. He points out that the property is classified as “அயன் நஞ்சை” and it has not been sold as a house site. Hence, he pleads to allow this writ petition.

5. Mr.R.Sureshkumar states that the Encumbrance Certificate reveals that the extent sold under the sale deed referred to by Mr.J.Jeyakumaran is a very small extent of 2.336 cents, 2.797 cents, 2.494 cents, etc. According to him, the property, though “அயன்



W.P(MD)No.9033 of 2025

WEB COPY

நஞ்சை,” it is attempted to be illegally converted into a house site. Therefore, it is hit by Section 22A(2) of the Registration Act.

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

7. Section 22A(2) applies when the agricultural land is converted into a house site and sold as such without permission from the appropriate planning authority and the Directorate of Town and Country Planning. Section 22A does not apply when the agricultural land is sold as agricultural land.

8. It is the specific case of the petitioner that the land classified as “அயன் நஞ்சை” is being sold only as “அயன் நஞ்சை”. Therefore, it would not attract Section 22A of the Registration Act.

9. A perusal of the affidavit reveals that there are six earlier documents that have sold the property as “அயன் நஞ்சை” land. Therefore, there is no bar for the petitioner to present yet another document for an extent of 3.19 cents. This is more so when the latest document was presented as late as on 06.01.2025.



W.P(MD)No.9033 of 2025

WEB COPY

10. In the light of the above discussion, the impugned return check slip issued by the respondent in his proceedings in Refusal No. RFL / Elumalai/19/2025 dated 13.03.2025 is quashed. The writ petition is allowed. There shall be a direction to the respondent to register the sale deed dated 13.03.2025 presented by the petitioner and release the same to the petitioner. The said exercise shall be completed within a period of two weeks from the date of uploading of this order. No costs.

02.04.2025

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

To
The Sub Registrar,
Elumalai Sub Registrar Office,
Madurai District.



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W.P(MD)No.9033 of 2025

V.LAKSHMINARAYANAN, J.

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Writ Petition(MD)No.9033 of 2025

02.04.2025