

W.P.(MD).No.8804 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.8804 of 2025

1.Vijaya Rathan

2.M/s.Sri Gomathy Mills Private Limited,
Represented by its Managing Director,
V.S.Velayutham.

.. Petitioners

Vs.

The Sub-Registrar,
Office of the Sub Registrar,
North Veeravanallur - 627 426,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records related to the Impugned Refusal Check slip vide Refusal Number RFL/வடக்குவீரவநல்லூர்/12/2025 dated 06.03.2025 issued by the Respondent and quash the same as illegal and consequently direct the respondent to register the sale deed dated 06.03.2025 executed by the 2nd petitioner in favour of the 1st Petitioner, viz., Mr.Vijaya Rathan in respect of the Schedule of Property within a reasonable period to be determined by this Court.

For Petitioners : Mr.N.Dilip Kumar

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



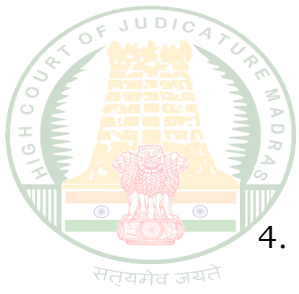
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ORDER

WEB COPY This Writ Petition has been filed challenging the impugned refusal check slip issued by the respondent dated 06.03.2025 and consequently, to direct the respondent to register the sale deed dated 06.03.2025 executed by the second petitioner in favour of the first petitioner, viz., Mr.Vijaya Rathan in respect of the schedule of property within a reasonable period to be determined by this Court.

2. The petitioner states that the second petitioner is the owner of vast extents of Punja lands. In order to meet its financial needs, the second petitioner sold several extents of properties to private parties. The documents were received and registered. The purchasers have also mutated the revenue records in their favour.

3. The second petitioner retained the property situated in Survey Nos. 391/1, 392/8C measuring to an extent of 76 cents in South Veeravanallur, Cheranmahadevi Taluk, Tirunelveli District. The second petitioner agreed to alienate this property in favour of the first petitioner. The sale consideration is Rs.57,00,000/-. On the strength of this agreement, a sale deed was presented on 06.03.2025 for registration. The same was refused to be registered under the impugned refusal check slip stating that Section 22-A(2) of the Registration Act is attracted. Challenging the same, the present Writ Petition.



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4. I heard Mr.N.Dilip Kumar for the petitioners and Mr.R.Suresh Kumar, learned Additional Government Pleader for the sole respondent.

5. Mr.N.Dilip Kumar, drawing my attention to paragraphs 8 and 9 of the affidavit, pleaded that the properties, which are subject matter of this Writ Petition, are agricultural lands and are being sold as it is. He adds that it is the intention of the first petitioner to receive the lands only as agricultural lands and not to convert it as a house site. Hence, he pleads that the impugned order has to be set aside.

6. Per contra, Mr.R.Suresh Kumar urges that as many as 10 sales have taken place at the instance of the second petitioner for various extents of the property and in fact, a pathway has also been set apart in Survey No.392/8C, which indicates that the alienation is as that of a house site and not as an agricultural land. Hence, he supports the impugned order.

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

8. Section 22-A(2) of the Registration Act is attracted only if an agricultural land is converted into a house site without securing permission from the appropriate authorities and sold as house sites. It does not bar the alienation of agricultural land as it is. The alienation, in the present case, is



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of agricultural punja lands. The purchaser has filed an affidavit along with the vendor stating that there is no change in status of the agricultural lands into house sites nor is it going to be changed into a house site and the lands are going to be retained as agricultural lands alone.

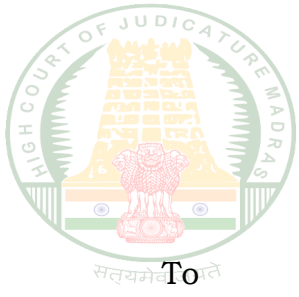
9. As pointed out above, since Section 22-A(2) is inapplicable, for the mere fact that 9.63 cents has been set apart as a passage, an inference cannot be drawn that the alienation is one for the house site. It is not the apprehension of the respondent, which matters, but the manner in which the property is being treated by the vendor and the purchaser.

10. In the light of the above discussion, the impugned order is quashed. The Writ Petition is allowed. There shall be a direction to the respondent to register the sale deed presented by the petitioners dated 06.03.2025 within a period of two (2) weeks from the date of uploading of this order.

11. Post the matter on 22.04.2025 'for reporting compliance'.

01.04.2025

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



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To

The Sub-Registrar,
Office of the Sub Registrar,
North Veeravanallur - 627 426,
Tirunelveli District.



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V.LAKSHMINARAYANAN,J.

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