

W.P.(MD).No.9577 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.9577 of 2025

Vijaya Chandrika

.. Petitioner

Versus

The Sub Registrar,
O/o. Sub Registrar Office Thiruvaiyaru,
Thiruvaiyaru Taluk, Thanjavur District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondent to register the Sale Deed without DTCP approval under IGR circular no.52889/C 1/2019 in Temporary No.TP/214790585/2025 dated on 26.03.2025 bearing survey number 201/4B2A situated at Keelathiruppanthuruthi Revenue Village, Thiruvaiyaru Taluk, Thanjavur District.

For Petitioner : Mr.M.Vivek

For Respondent : Mr.P.T.Thiraviam,
Government Advocate

ORDER

The petitioner seeks for the following reliefs:

“directing the respondent to register the Sale Deed without DTCP approval under IGR circular no. 52889/c1/2019 in Temporary No.TP/214790585/2025



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dated on 26.03.2025 bearing survey number 201/4B2A situated at Keelathiruppanthuruthi Revenue Village, Thiruvaiyaru Taluk, Thanjavur District”.

2. The petitioner states that he is the owner of the property situated in new S.No.201/4B2A (Old S.No.201/4B2) of Keelathiruppanthuruthi Revenue Village, Thiruvaiyaru Taluk, Thanjavur District. He states that he purchased the property from one Basker on 20.08.2020 in document No. 1078 of 2020. The property he so purchased, he intended to alienate in favour of one Gunasekaran on 22.01.2025.

3. When he went to the office of the respondent and presented the document, the respondent informed him that he will not register the document as it does not have approval in terms of Section 22-A(2) of the Registration Act. Aggrieved by the same, the present writ petition.

4. I heard Mr.V.Vivek for the petitioner and Mr.P.T.Thiraviam for the respondent. I have gone through the records.



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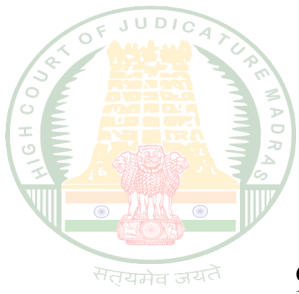
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5. Though several allegations are made in the affidavit, I do not think this is a case where I should go into the same.

6. Mr.V.Vivek contends that the petitioner is alienating whatever property he had purchased from Mr.Baskar in favour of Mr.Gunasekaran and therefore, the refusal by the respondent is not proper.

7. Per contra, Mr.P.T.Thiraviam pleads that the petitioner would be entitled to the benefit of proviso to Section 22-A(2) only if the purchase made by him was prior to the insertion of Section 22-A of the Registration Act. He states that Section 22-A came into force with effect from 20.10.2016 and as the purchase by the petitioner of the unapproved house site was of the year 2020, he is not entitled to the benefit.

8. It is the duty of the Court to interpret a Section as it stands, unless and until the language is either unclear or applying the statue, as it is, would lead to absurd results, or results contrary to the purpose for which the legislation had been made.

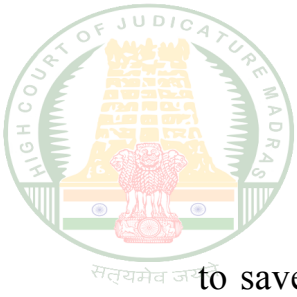


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9. A perusal of the proviso appended to Section 22-A(2) is in clear and simple language. Section 22-A(2) makes a demand that the Sub Registrar must not register a document, if the same amounts to transfer of ownership of property, which has unauthorisedly been converted agricultural lands into a house site. The exception given to this bar is that if the property in question has already been registered as House Site, then there is no bar on the Sub Registrar to receive a subsequent document as a house site. The proviso does not state it applies only if alienation was made prior to 2016. It only reads that the vendor and the purchaser must show to the satisfaction of the Sub Registrar that the very property has been previously registered as House Site. The year of the alienation is not essential from the bare reading of the Section. Hence, the argument of Mr.P.T.Thiraviam that the proviso to Section 22-A(2) will apply only if alienation had made prior to 2016, does not appeal to me.

10. Even otherwise, there is a flaw in the submission of Mr.P.T.Thiraviam. Prior to insertion of Section 22-A(2), there was no bar in registration of a sale deed as a house site of an agricultural land. The bar came into force only in 2016. If there was no bar prior to 2016, the question of application of the proviso does not arise. Obviously, the proviso intended



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to save persons who had purchased the House Sites which are unapproved and the same had also been registered by the Sub Registrar. On this ground too, I am not inclined to accept the argument of Mr.P.T.Thiraviam.

11. Consequently, the petitioner will be entitled for the mandamus sought for. There shall be a direction to the Registrar to register the sale deed presented by the petitioner in favour of Mr.Gunasekaran dated 26.03.2025 within a period of two weeks from the date of uploading of this order on the website of this court.

12. The writ petition stands disposed of. No cost.

07.04.2025

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no

To

The Sub Registrar,
O/o. Sub Registrar Office Thiruvaiyaru,
Thiruvaiyaru Taluk, Thanjavur District.



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V.LAKSHMINARAYANAN, J.

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