

W.P.(MD).No.9586 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.9586 of 2025

S.Sundara Pandian

.. Petitioner

Vs.

1.The District Registrar,
Madurai,
Madurai District.

2.The Sub-Registrar,
Melur West Sub-Registrar Office,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in RFL/Melur (West)/13/2025 dated 10.03.2025 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to register the document for the petitioner's land in S.Nos.275/8A, 275/3A situated at Melur Town, Melur Taluk, Madurai District as agricultural lands.

For Petitioner : Mr.M.Mahaboob Fazil

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



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ORDER

WEB COPY This Writ Petition is filed challenging the impugned order of the second respondent in RFL/Melur (West)/13/2025 dated 10.03.2025 and consequently, to direct the second respondent to register the document for the petitioner's land in S.Nos.275/8A, 275/3A situated at Melur Town, Melur Taluk, Madurai District as agricultural lands.

2. The petitioner pleads that the land situated in Survey No.275/3A in Melur Town and Taluk, Madurai District was purchased by one Rajasekaran in the year 1979. His wife, Jagadheeswari purchased another extent of the property in Survey No.275/8. Their children, namely, Vijay Bharath and Balaji inherited both the properties. They executed a deed of power of attorney in favour of one Saravana Kumar on 29.01.2022. The power deed covers the property situated in Survey Nos.275/3A and 275/8A to an extent of 36.75 cents.

3. The petitioner approached Mr.Saravana Kumar and expressed his willingness to purchase the said property. They arrived at a sale consideration of Rs.7,92,000/- and the same was also paid in entirety by the petitioner to the power agent. Thereafter, a sale deed was prepared and presented for registration on 10.03.2025. The second respondent, through the impugned order, refused to register the same stating that the sale



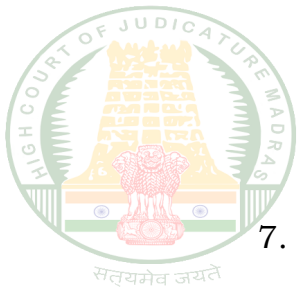
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attracts Section 22-A of the Registration Act. Challenging the same, the present Writ Petition.

4. I heard Mr.M.Mahaboob Fazil for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents.

5. Mr.Mahaboob Fazil stated that the purchase by Rajasekaran and Jagadheeswari was of Nanja lands. Their children too enjoyed the property as Nanja lands. The alienation by the power agent Saravana Kumar in favour of the petitioner is also of Nanja lands. Hence, he states Section 22-A is not attracted to the facts of the present case. In addition, he refers to the joint undertaking affidavit of the petitioner and the power agent, sworn on 07.04.2025 and filed in USSR.8046/25, to substantiate the aforesaid plea.

6. Per contra, Mr.R.Suresh Kumar, learned Additional Government Pleader urges that the land that is sought to be sold is an illegal conversion of an agricultural land into a house site. He states unless and until, approval for the said conversion is granted by the DTCP and by the local planning authority, the same should not be registered. He points out that a road that has been formed over the survey number indicates that this is an illegal layout and therefore, pleads for dismissal of the Writ Petition.



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

8. A perusal of the sale deed makes it clear that the property that has been alienated in the present case is that of Nanja lands. When the property is being sold as an agricultural property, Section 22-A is not attracted. Section 22-A is attracted when an agricultural land is converted into a house site without prior approval or regularisation from Town and Country Planning authorities and sold as such. That not being the situation here, I am not in a position to sustain the impugned order.

9. Apart from that, a perusal of the joint undertaking affidavit to this Court shows that the vendor and vendee are going to retain the lands only as agricultural lands. The same is extracted hereunder:

“2. That the Vendor and Vendee hereby jointly undertake that the lands in S.No.275/8A, 27/3a to an extent of 2.75 cents situated at Melur Town, Melur taluk, Madurai District presented for registration vide Sale deed Dated 10.03.2025 before the Sub Registrar, Melur West Sub register is going to be dealt with only as a Nanja land and it is made it clear that the property is not going to be developed as piece of real estate. The Vendee Accepts and agrees to purchase the said Property in its original form as an Agricultural Land.

3. The Vendor and Vendee further Jointly Undertake. That as and when any Steps are taken in future to convert



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the said lands into plots the same will be done only after getting necessary permission on payment of necessary Charges as may be determined by the Authorities concerned.”

The undertaking affidavit is recorded.

10. In the light of the above discussion, the impugned order is set aside. The Writ Petition stands allowed. There shall be a direction to the second respondent to register the sale deed presented by the petitioner on 10.03.2025 within a period of two (2) weeks from the date of uploading of this order in the website of this Court. There shall be no order as to costs.

15.04.2025

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

To

1.The District Registrar,
Madurai,
Madurai District.

2.The Sub-Registrar,
Melur West Sub-Registrar Office,
Madurai District.



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V.LAKSHMINARAYANAN,J.

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