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W.P.(MD)No. 9859 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition (MD) No.9859 of 2025

T.Saranya

.... Petitioner

-Vs-

1.The District Registrar
Theni, Theni District.

2.The Sub Registrar
Theni, Theni District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to register the gift deed dated 31.01.2025 of Plot Nos.24 and 33 to an extent of 1200 sq.ft and 3180 sq.ft respectively in total 4380 sq.ft comprised in Survey No.1161/2 to an extent of 1 Acre and 68 Cents and Survey No.1163 to an extent of 96 cents total extent of 2 Acres and 71 cents situated at Vadaveeranayakkanpatti Village, Theni Taluk, Theni District and in favour of the petitioner on the strength of the registered sale deed vide Document No. 6723 of 2018 dated 26.09.2018 by considering the petitioner's representation dated 25.02.2025 within the period as stipulated by this Court.

For Petitioner : Mr.V.Karthikraja

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



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ORDER

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The petitioner seeks for a direction to the 2nd respondent to register the gift deed dated 31.01.2025 of Plot Nos.24 and 33 to an extent of 1200 sq.ft and 3180 sq.ft respectively in total 4380 sq.ft comprised in Survey No.1161/2 to an extent of 1 Acre and 68 Cents and Survey No.1163 to an extent of 96 cents total extent of 2 Acres and 71 cents situated at Vadaveeranayakkanpatti Village, Theni Taluk, Theni District and in favour of the petitioner on the strength of the registered sale deed vide Document No. 6723 of 2018 dated 26.09.2018 by considering the petitioner's representation dated 25.02.2025 within the period as stipulated by this Court.

The petitioner states that the property properties situated in Survey No.1161/2 to an extent of 1 Acre and 68 Cents and Survey No.1163 to an extent of 96 cents total extent of 2 Acres and 71 cents situated at Vadaveeranayakkanpatti Village, Theni Taluk, Theni District belong to one K.Sethupathi. The said Sethupathi executed a sale deed in favour of the petitioner's husband Thangapandi on 29.06.2018. The said sale was registered as Document No.6723 of 2018. The properties were allotted Plot Nos.23 and 33.

Subsequent to the purchase of the property by Thangapandi, he mutated the revenue records in his favour. He is in possession and enjoyment of the said property



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and has also put up a dwelling house, wherein he is residing. The said Thangapandi executed a settlement deed in favour of the petitioner on 31.01.2025. When the same was presented for registration, the 2nd respondent allegedly refused to register the document on the ground that a civil suit is pending. Hence this writ petition seeking for a mandamus to direct the 2nd respondent to register the sale deed.

I heard Mr.V.Karthikraja for the petitioner and Mr.R.Suresh Kumar, Additional Government Pleader for the respondents.

Mr.Karthikraja reiterated the contentions as set out in the affidavit. He pleaded that the civil suit is pending with respect to Plot No.34 and not with respect to Plot Nos. 24 and 33, which belongs to the petitioner's husband Thangapadi. He states that mere pendency of the suit will not amount to bar for registration.

Per contra, Mr.Suresh Kumar urges that the property attracts the wrath of Section 22A(2) of the Registration Act, as the property is an unapproved house site.

I have carefully considered the submissions made on both sides and have perused the materials placed before me.



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Insofar as the pendency of suit being a bar for registration, the issue has been answered by a Division Bench in MMSJ and NSKJ, A view taken by another Single Judge in Subramani Vs is that mere pendency of suit does not operate as a bar. Even otherwise, the decree that has been enclosed at Page 23 of the typed set of papers shows that the suit relates to Plot No.34 and not with respect to Plot Nos.24 and 33. Therefore, the first ground that has been urged against the registration of the documents fails.

The second ground raised by Mr.Suresh Kumar requires some consideration. Pointing to the schedule of property, Mr.Suresh Kumar pleads that the property has been laid out into plots and this has been done without approval from the Directorate of Town and Country Planning (DTCP) or local planning authority. Therefore, he states it attracts the wrath of Section 22A(2).

Insofar as Section 22A(2) is concerned, a house site cannot be registered unless and until the same is approved by the local planning authority or DTCP. However, the Legislature itself has engrafted a proviso to the said Section, which states that if a house site has already been registered without approval, there is no bar for entertaining a document for the very same house site. A perusal of the sale deed executed by



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Sethupathi in favour of Thangapandi on 26.09.2018 shows that the alienation of the house site had been received and registered by the second respondent in Document No.6723 of 2018. As the house site has already been registered, the proviso kicks in and therefore, there is no bar for Thangapandi to execute any document.

In view of the above discussion, the writ petition is allowed and the respondents are directed to register the settlement deed executed by Thangapandi in favour of the petitioner within a period of two weeks from the date of uploading of this order on to the website of this Court. No costs.

09.04.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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V.LAKSHMINARAYANAN, J.

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