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W.P.(MD)No. 9794 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. 9794 of 2025

Suriyavadivu

.... Petitioner

-Vs-

The Sub Registrar
Alwar Thirunagari Sub Registrar Office
Thoothukudi District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned refusal slip issued by the respondent vide refusal No.RFL/Alwar Thirunagari/24/2025 dated 15.03.2025 and quash the same as illegal.

For Petitioner : Mr.B.Vinoth Kumar

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The petitioner states that her husband Revathikumar was the owner of the property situated in S.No.916/2B of Alwarthirunagari, Thoothukudi District. He had



W.P.(MD)No. 9794 of 2025

settled the property in favour of the petitioner in the year 2017. He had obtained the property by way of oral partition amongst his family members. The petitioner has been in possession and enjoyment of the property on and from the date of the settlement deed. She attempted to alienate the property in favour of one Vellai Ammal. The sale deed was presented for registration on 15.03.2025 and the same was refused to be registered in the impugned check slip. Hence the writ petition.

3. I heard Mr.Vinod Kumar for the petitioner and Mr.N.R.Arumugam for the respondents. The respective counsels reiterated the contentions made in the affidavit and from the impugned order respectively.

4. In order for Section 22A(2) to apply, there should be a conversion of an agricultural land into plots without approval of the local planning authority and the Directorate of Town and Country Planning. An exception has been created under proviso to Section 22A(2). The exception being that if the property had earlier been dealt with as a house site without approval, there is no bar to register a subsequent document for the same house site as such. A perusal of the typed set of papers shows that the husband of the petitioner had executed a settlement deed for the property without getting approval and the same had been registered as Document No.1158 of 2017. As there is a previous document, the proviso to Section 22A(2) will apply and



W.P.(MD)No. 9794 of 2025

therefore, the subsequent document can be registered without necessary approval from Department of Town and Country Planning or the local planning authority.

5. In the light of the above discussion, the writ petition succeeds. The impugned order is quashed. There shall be a direction to the respondent to register the sale deed executed by the petitioner in favour of Vellai Ammal on 15.03.2025, within two weeks from the date of uploading of this order on to the website of this Court. The writ petition is allowed accordingly. No costs.

09.04.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
KST

To

The Sub Registrar
Alwar Thirunagari Sub Registrar Office
Thoothukudi District.



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W.P.(MD)No. 9794 of 2025

V.LAKSHMINARAYANAN, J.

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W.P.(MD) No.9794 of 2025

09.04.2025