



W.P.(MD).No.10521 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.10521 of 2025

I.Suyambulingam

.. Petitioner

Vs.

The Sub Registrar,
Vilathikulam,
Thoothukudi District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Check Slip in Refusal Number - RFL/Vilathikulam/46/2025 dated 12.03.2025 and quash the same as illegal and consequently direct the respondent to register the documents presented by the title holder pertaining to the Patta No.1003, New Survey No.237/2B1, Punja Land, measuring 0.10.94 hectares 27 cents Vembar Village, Thoothukudi District.

For Petitioner : Mr.R.J.Karthick

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

ORDER

The Writ Petition is filed challenging the impugned Refusal Check Slip in Refusal Number - RFL/Vilathikulam/46/2025 dated 12.03.2025 and

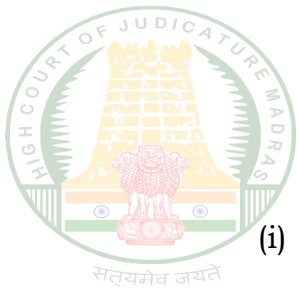


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consequently, to direct the respondent to register the documents presented by the title holder pertaining to Patta No.1003, New Survey No.237/2B1, Punja Land, measuring 0.10.94 hectares 27 cents in Vembar Village, Thoothukudi District.

2. The petitioner states that he had purchased an extent of 5 acres and 30 cents from one T.Vijayan on 19.12.2012 in Document No.4045/2012. After the purchase, he mutated the revenue records in his favour. On account of the fact that a bore well, that had been dug by the Panchayat, was producing saline water, a request was made to the petitioner to alienate a portion of the property purchased by him in favour of the Government. Accordingly, he alienated an extent of 5 cents through a gift deed in favour of His Excellency the Governor of Tamil Nadu on 01.02.2021 in Document No.304/2021.

3. Subsequently, the petitioner alienated an extent of 2 acres and 7 cents in favour of one Ramesh on 25.02.2022. This sale too is borne out in Document No.738/2022. From the remaining extent of 3 acres and 18 cents in his possession, the petitioner executed a sale deed for 27 cents in favour of one P.Malliga Pushpam on 12.03.2025. When the same was presented for registration, the respondent refused to register the document and issued a refusal check slip on 12.03.2025, stating the following:



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(i) the purchaser Ramesh in Document No.738/2022 had laid out the plots over the property purchased from the petitioner;

(ii) the petitioner had executed a gift deed for 5 cents in favour of his Excellency the Governor.

Challenging the same, the present Writ Petition.

4. Heard Mr.R.J.Karthick for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondent.

5. A perusal of the sale deed dated 12.03.2025 shows that the alienation of the property by the petitioner in favour of Tmt.P.Malliga Pushpam is only of “பஞ்சை” lands. The Punja lands, as the definition goes, are agricultural in character. When the property is an agricultural one, Section 22-A of the Registration Act is not attracted. The purchase by the petitioner is of agricultural lands and the alienation by him in favour of third parties is also that of agricultural lands. The fact that the purchaser had developed the property into plots cannot be laid at the door steps of the writ petitioner.

6. Despite the vehement pleas opposing the Writ Petition by Mr.R.Suresh Kumar, I am not inclined to consider the same.



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7. In the light of the above discussion, the impugned order is quashed.

The Writ Petition stands allowed. There shall be a direction to the respondent to register the sale deed executed by the petitioner in favour of Tmt.P.Malliga Pushpam 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.

17.04.2025

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

To
The Sub Registrar,
Vilathikulam,
Thoothukudi District.



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V.LAKSHMINARAYANAN,J.

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