



W.P.(MD) No.10251 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.10251 of 2025

M.Sangavi ... Petitioner

Vs

1 The District Registrar,
Madurai,
Madurai District.

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

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the impugned Refusal Number in RFL/Melur (West) /14/2025, dated 22.03.2025, on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to register the sale deed, dated 22.03.2025, presented by the petitioner.



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For Petitioner : Mr.M.Mahaboob Fazil

For Respondents : Mr.R.Suresh Kumar,
Addl. Govt. Pleader.

ORDER

The petitioner seeks for the following relief :

"Writ of certiorarified mandamus, to call for the records pertaining to the impugned Refusal Number in RFL/Melur (West) /14/2025, dated 22.03.2025, on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to register the sale deed, dated 22.03.2025, presented by the petitioner."

2. The petitioner states that the property situated in Survey No. 65/1A, 65/1B of Melur Town and Taluk, Madurai District, to an extent of 36 cents was purchased by one P.Mondiambalam in the year 2007. Subsequently, in 2015, Mondiambalam sold the property, as a house site, to one Salivaaganan. Alienation was for an extent of 15.5 cents. The remaining extent of 4 cents was in the hands of Mondiambalam. He sought to alienate in favour of the petitioner. When the document, dated 22.03.2025, was presented for registration, it was rejected, pointing out Section 22A of the Registration Act,1908, would apply. Aggrieved by the same, hence, the present Writ Petition.



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3. I have heard Mr.M.Mahaboob Fazil for the petitioner and Mr.R.Suresh Kumar for the respondents.

4. Mr.Fazil pleads that the impugned order falls foul of the order of this Court in D.Rajamanickam v. The Sub Registrar, W.P.No.426 of 2022 dated 01.07.2024. In addition, he relies upon an undertaking affidavit filed before this Court, to the effect, that alienation is only as agricultural nanja lands and, therefore, Section 22A (2) of the Registration Act,1908, is inapplicable.

5. Per contra, Mr.Suresh Kumar relies upon a judgment of this Court in R.G.Ramachandran v. The District Registrar, Tiruvallur District, W.P.3733 of 2025, dated 03.03.2025, and argues that as a major portion of the property has been converted into house sites, the petitioner cannot alienate the property as agricultural land. He relies upon Rule 15(b) of the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules,2017, to press home this point.

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



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7. Alienation of the property in the present case is only for agricultural purpose. For Section 22A of the Registration Act,1908,to apply, an agricultural land must be sold as a house site, without prior approval from the Directorate of Town and Country Planning and the local planning authority. If the agricultural land is sold only as agricultural land, Section 22A (2) will not apply.

8. A perusal of the order passed in R.G.Ramachandran's case, cited supra, shows that the petitioner attempted to alienate house sites, after coming into force of Section 22A. Hence, the learned single Judge took a view that Section 22A of the Registration Act,1908, and Rule 15(b) of the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules,2017, apply. In the present case, as Nanja land is sold as Nanja land, the aforesaid judgment is inapplicable.

9. This very issue has been gone into by another learned single Judge in D.Rajamanickam v. The Sub Registrar, in W.P.No.426 of 2022, dated 01.07.2024. The learned single Judge, after referring to Article 300A of the Constitution of India, held that alienation of small extent of agricultural land does not automatically imply conversion of the land from agriculture use into one of real estate development. The verdict in that case directly applies to the facts of this case.



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10. Moreover, the undertaking affidavit that has been filed before this Court shows that the property is not going to be developed as piece of real estate. Both the vendor and the vendee agree that the land is going to be retained as agricultural land. The relevant portion of the undertaking affidavit is extracted hereunder :

"2.That the Vendor and Vendee hereby jointly undertake that the lands in S.No.65/1B, 65/1A a to an extent of 2.75 cents situated at Melur Town, Melur taluk, Madurai District presented for registration vide Sale deed Dated 22.03.2025 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 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."

11. In the light of the above, the impugned order is quashed. There shall be a direction to the second respondent to register the document within two weeks from the date of uploading of this order on to the website of this Court.



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12. Writ Petition is allowed. No costs.

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

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To:

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



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