



W.P (MD).No.10122 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.10122 of 2024

and

W.M.P(MD)No.9141 of 2024

Ponmani

... Petitioner

Vs

The Sub-Registrar,
Ottapidaram Sub-Registrar Office,
Registration Department,
Ottapidaram,
Thoothukudi District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip issued by the REspondent in RFL/ஒட்டப்பிடாரம்/22/2024 dated 10.04.2024 and quash the same as illegal and consequently direct the respondent to register the sale deed of conveyance executed by Karpagavalli in favour of the petitioner for the property in Survey No.105/1J in Patta No.1982 for an extent of 20.24 res (50 cents) of S.Kumarapuram Village, Ottapidaram Taluk, Thoothukudi District within the stipulated time.

For Petitioner : Mr.A.Prasanna Rajadurai
For Respondent : Mr.M.Sarangan
Additional Government Pleader



W.P (MD).No.10122 of 2024

WEB COPY

ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent, dated 10.04.2024 thereby refused to register the sale deed which was presented for registration on the ground that there is a bar under Section 22-A of the Registration Act.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The land comprised in S.No.105/1J in Patta No.1982 to an extent of 20.24 Ares situated at S.Kumarapuram Village, Ottapidaram Taluk, Thoothukudi District owned by one Karpagavalli by the registered sale deed dated 25.09.2023 vide document No.2718. The said sale deed was presented for registration, however, it was refused to register the same on the ground that there is a bar under Section 22-A of the Registration Act.

4. On perusal of the order impugned revealed that the total extent of the property admeasuring 3 acre and 22 cents in which they have sub-divided into 7 parts. Though sale deeds were registered all the sale deeds were under audit objections and the same was recorded in the book of records. Further, in



W.P (MD).No.10122 of 2024

respect of the sub division into several parts of the subject property, the provision under Section 22-A of the Registration Act was inserted by the Tamil Nadu Amendment Act 2 of 2009 with effect from 20.10.2016. It is relevant to extract Section 22-A of the Act hereunder:-

“22-A. Refusal to register certain documents .—

Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:—

(1)instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,—

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958; or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995, unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such



authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.

Explanation I.—For the purpose of this section ‘local authority’ means,—

(i) any Municipal Corporation constituted under any law for the time being in force; or

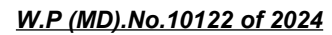
(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 ; or

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 ; or

(iv) any other Municipal Corporation, that may be constituted under any law for the time being in force.

Explanation II.—For the purpose of this section ‘planning authority’ means the authority constituted under section 11 of, and includes the Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

(3) instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed.”





W.P (MD).No.10122 of 2024

To

The Sub-Registrar,
Ottapidaram Sub-Registrar Office,
Registration Department,
Ottapidaram,
Thoothukudi District.

G.K.ILANTHIRAIYAN, J.



WEB COPY



W.P (MD).No.10122 of 2024

am

W.P (MD).No.10122 of 2024

24.01.2025