

W.P.(MD)No.10689 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.10689 of 2025

A.Malini

... Petitioner

vs.

The Sub Registrar,
The Melur West Sub Registrar Office,
Melur,
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip RFL/Melur (West)15/2025 dated 02.04.2025 issued by the respondent herein and quash the same and consequently directing the respondent herein to entertain the Sale Deed, dated 01.04.2025 presented by the petitioner for registration in TP/215303499/2025, dated 02.04.2025, within time fixed by this Court.

For Petitioner :Ms.V.Moushica for
Mr.P.Saravanan

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



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ORDER

The petitioner seeks for the following relief:-

“Writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip RFL/Melur (West)15/2025 dated 02.04.2025 issued by the respondent herein and quash the same and consequently directing the respondent herein to entertain the Sale Deed, dated 01.04.2025 presented by the petitioner for registration in TP/215303499/2025, dated 02.04.2025, within time fixed by this Court.”

2.The property situated in S.No.214/3A, measuring an extent of 2 cents, situated at Vellanathapatti Extension, Melur Village, Melur Taluk, Madurai District belonged to one Sheikdawood. The lands are agricultural Nanja lands. The said Sheikdawood has purchased the property on 26.03.2003 vide Doc.No.731/2003. He had alienated a portion of the property in favour of one Ganimadhulla vide Doc.No. 595/2024 on 15.02.2024. The remaining extent of land was sought to be purchased by the petitioner.



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3.The said Sheikdawood and the petitioner presented the sale deed for registration on 02.04.2025. The respondent refused to register the same citing Section 22A(2) of the Registration Act. Challenging the same, the present writ petition.

4.I heard Ms.V.Moushica representing Mr.P.Saravanan for the petitioner and Mr.R.Suresh Kumar, for the respondent.

5.The learned counsels reiterated the contentions based on the affidavit and the impugned order respectively.

6.I have gone through the records. I heard the learned counsel for the parties.

7.Section 22A(2) of the Registration Act applies only if an agricultural land is converted into a residential housing plot and sold as a plot without prior approval of the planning authorities. In the case on hand, the alienation of the property is of Nanja lands. By the very nature, it continues agricultural lands. Hence, Section 22A(2) is inapplicable.



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8. Furthermore, Ms.V.Moushika has filed an undertaking affidavit of the vendor, Sheikdawood and the vendee, Malini, which states as follows:-

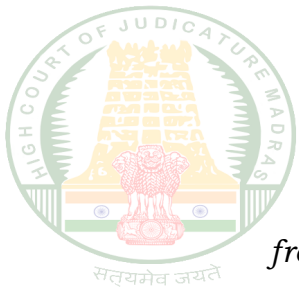
“Undertaking affidavit of the vendor, Sheikdawood:-

1.I hereby undertake that I would not and never construct any building or house in the land in S.No.214/3A, to extend of 2 cents lands in Vellanathapatti extension, Melur Village, Melur Taluk, Madurai District. In which. I am proposed to sell from its lawful owner to the petitioner herein. I further undertake that I would only do agricultural activities and various timely and seasonal crops till date.

2.I further undertake that till date the proposal for sell the properties, we are never to be construct any building or house in the said property. I undertake that such a building or house would be constructed only after getting proper plan approvals and necessary permission from the concerned government authorities as per law.

Undertaking affidavit of the vendee, A.Malini:-

1.I hereby undertake that I would not and never construct any building or house in the land in S.No.214/3A, to extend of 2 cents lands in Vellanathapatti extension, Melur Village, Melur Taluk, Madurai District. In which. I am proposed to purchase



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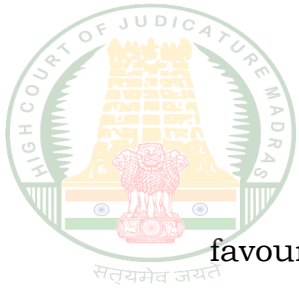
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from its lawful owner. I further undertake that I would only carry on my agricultural and eak out my livelihood by raising various timely and seasonal crops.

2.1 further undertake that if at all in the future, if I venture to construct any building in the said property. I undertake that such a building would be constructed only after getting all necessary plan approvals and other permission from the concerned government authorities as per law.”

9.Apart from the inapplicability of Section 22A(2) of the Registration Act to the case, since the petitioner as well as her vendor have given an undertaking to maintain the property as an agricultural land and have stated that they will develop the land only after obtaining appropriate permission, I am inclined to entertain this writ petition. In any event, this field is covered by a judgment of this Court in ***D.Rajamanickam Vs. The Sub Registrar, Salem (West), Salem, W.P.No.426 of 2022, dated 01.07.2024.***

10.In the light of the above discussion, the Writ Petition is allowed. The impugned order is quashed. There shall be a direction to the respondent to register the sale deed presented by Sheikdawood in



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favour of the petitioner within a period of two weeks from the date of

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uploading of a copy of this order in the web-site of this Court. No

costs.

Index :Yes / No
Internet :Yes / No

23.04.2025

To

The Sub Registrar,
The Melur West Sub Registrar Office,
Melur,
Madurai District.



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V. LAKSHMINARAYANAN, J.

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