



W.P.(MD).No.10879 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

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.. Petitioner

Vs.

The Sub Registrar,
Ambasamudram Sub Registrar Office,
Tirunelveli District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for records pertaining to impugned Refusal Check Slip in RFL/Ambasamudram/36/2025 dated 07.04.2025 issued by the respondent and quash the same as illegal and consequently directing the respondent to register the settlement deed dated 07.04.2025 in respect of the schedule of properties described in the same within a stipulated period as framed by this Court.

For Petitioner : Mr.A.Sankararamasubramanian

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

ORDER

The Writ Petition is filed challenging the impugned Refusal Check Slip issued by the respondent in RFL/Ambasamudram/36/2025 dated 07.04.2025 and consequently, to direct the respondent to register the



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settlement deed dated 07.04.2025 in respect of the schedule of properties described in the same within a stipulated period as framed by this Court.

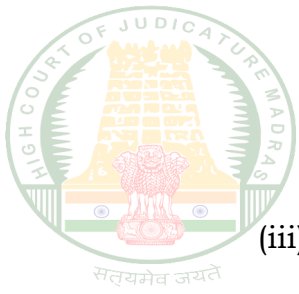
2. The petitioner states that he had purchased the property situated in Survey No.37/3 of Ravuthaperi Village, Ambasamudram Taluk, Tirunelveli District from the following persons:

- (i) Chellapandi,
- (ii) Pasunkili,
- (iii) Palanisamy and
- (iv) Chellaperumal.

The purchase was registered in Document No.228/1982 dated 15.02.1982. The petitioner thereafter executed several sale deeds in favour of third parties. He had also executed a document in Document No.843/2018 dated 28.05.2018, gifting 226.68 square meters of land in favour of His Excellency the Governor of Tamil Nadu.

3. As age was catching up with the writ petitioner, he decided to settle the remaining extent of the property during his life time. Accordingly, he executed a settlement deed on 07.04.2025, settling the property in favour of his four sons, namely,

- (i) Thangasamy,
- (ii) Arunachalam,



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(iii) Ganesan and

(iv) Kannan.

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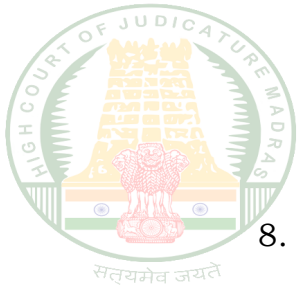
When he presented the document for registration, the same was refused to be registered on the ground that there is a bar under Section 22-A(2) of the Registration Act. Challenging the same, the present Writ Petition.

4. I heard Mr.A.Sankararamasubramanian for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondent.

5. Mr.A.Sankararamasubramanian, referring to the settlement deed, pleaded that the alienation of the property is only as agricultural lands and not as plots and therefore, Section 22-A(2) of the Registration Act will not apply.

6. Per contra, Mr.R.Suresh Kumar, learned Additional Government Pleader urged that the extents of the properties under the settlement deed are very tiny and therefore, it has to be presumed that the same are not for agricultural purposes, but only for plot purposes.

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



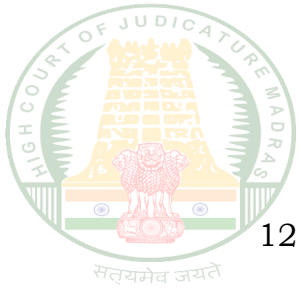
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8. Section 22-A(2) of the Registration Act will apply only if the agricultural lands are alienated as housing plots without obtaining the approval of the DTCP and the appropriate local planning authority. Section 22-A(2) will not apply if agricultural lands are sold as it is.

9. A perusal of the settlement deed shows that the alienation by the writ petitioner in favour of his sons are all for “பஞ்சை” lands. Punja lands, by the very nature of classification, are agricultural lands. Hence, Section 22-A(2) would not be applicable.

10. Furthermore, as rightly contended by Mr.Sankararamasubramanian, the issue is settled by the judgments of a learned Single Judge of this Court in ***D.Rajamanickam Vs. the Sub Registrar, Salem (West), W.P.No.426 of 2022 dated 01.07.2024*** and ***K.Madhaiyan Vs. Sub Registrar, 2024 SCC OnLine Mad 2779***.

11. In the light of the above discussion, the impugned order is quashed. There shall be a direction to the respondent to register the settlement deed executed by the petitioner in favour of his sons on 07.04.2025 within a period of two (2) weeks from the date of uploading of this order in the website of this Court.



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12. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
The Sub Registrar,
Ambasamudram Sub Registrar Office,
Tirunelveli District.



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V.LAKSHMINARAYANAN,J.

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