



W.P.(MD).No.10888 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.10888 of 2025

Madhavan

.. Petitioner

Vs.

1.The Sub Registrar,
O/o.Sub Registrar,
Eraniel,
Kanyakumari.

2.Padma Sree

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records relating to the Impugned Order in RFL/Eraniel/42/2025 of the 1st respondent and quash the same as illegal and consequently directing the 1st respondent to register the document dated 03.04.2025 presented by the petitioner.

For Petitioner : Mr.K.Mondela Anand

For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The Writ Petition is filed challenging the impugned order of the first respondent in RFL/Eraniel/42/2025 dated 03.04.2025 and consequently, to direct the first respondent to register the document dated 03.04.2025 presented by the petitioner.



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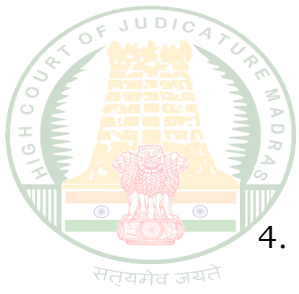
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2. The petitioner states that he acquired the property situated in Survey No.585/9 of Villukuri C Village, Paraseri, Kalkulam Taluk, Kanyakumari District by way of a settlement deed on 26.06.1985. The settlement deed has been registered as Document No.2068/1995. The petitioner, for his family purposes, proposed to alienate the property in favour of some third parties. A sale deed was executed in favour of the second respondent on 03.04.2025. The extent of alienation is 10 cents out of 60 cents possessed by the petitioner. When the document was presented for registration, the first respondent refused to register the same on two grounds, namely,

(i) that there is an order passed by this Court in W.P.No.19566 of 2015; and

(ii) that this alienation is hit by Section 22-A(2) of the Registration Act. Challenging the same the present Writ Petition.

3. Heard Mr.K.Mondela Anand and Mr.R.Suresh Kumar, learned Additional Government Pleader for the first respondent. The learned counsels on either side reiterated the contentions made in the affidavit as well as in the impugned order.



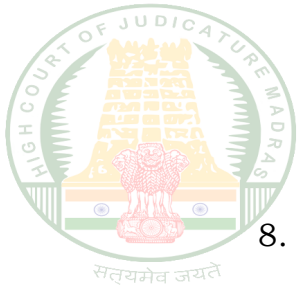
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4. I have carefully considered the submissions of both sides. I have gone through the records.

5. The bar under Section 22-A(2) of the Registration Act would apply only when the alienation of the agricultural land is without permission from the planning authorities and sold as housing plots.

6. A perusal of the sale deed and revenue records annexed therewith shows that the alienation is of agricultural lands. The petitioner is possessed of 60 cents and he has decided to alienate 10 cents out of the same. It is not necessary that an agriculturist must alienate his entire holdings in order to satisfy the Sub Registrar that, what he is alienating is only agricultural lands. The revenue records vis-a-vis the statement made by Mr.K.Mondela Anand show that the property continues to have the character of an agricultural one even as on today.

7. Furthermore, the order passed by this Court in W.P.No.19566 of 2015 was an order of interim injunction restraining alienation of agricultural lands into housing plots. As the alienation is not of housing plots, but that of agricultural lands, both the bar, one under the order of the Court and that under Section 22-A(2) would not apply.



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

The Writ Petition is allowed. There shall be a direction to the first respondent to register the sale deed executed by the petitioner dated 03.04.2025 on or before 30.04.2025. There shall be no order as to costs.

22.04.2025

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

To
The Sub Registrar,
O/o.Sub Registrar,
Eraniel,
Kanyakumari.



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V.LAKSHMINARAYANAN,J.

Lm

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