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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.07.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No. 11748 of 2025

Abdul Nazeer

... Petitioner

Vs.

The Sub Registrar,
Kadayam Subregistrar Office,
Tenkasi District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus*** to call for the records pertaining to the impugned Refusal Check Slip in Refusal Number:RFL/Kadayam/26/2025, dated 19.03.2025 was issued by the respondent and quash the same as illegal and consequently directed the respondent to register the petitioner's sale deed dated 19.03.2025 in respect of the property in land to the extent of 2.46 cents at North western side out of 95 cents at southern side from the total extent of 3.04 acres situated in Ayan Punjai S.No.137(1B2) at South Kadayam Village, Tenkasi Taluk, Kadayam Sub Registration Circle, Cheranmahadevi Registration District, Tirunelveli District.



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For Petitioner : Mr.A.Sankararamasubramanian
For Respondent : Mr.G.Suriya Ananth
Additional Government Pleader,

ORDER

The present writ petition is filed for *Writ of Certiorarified Mandamus* to quash the impugned order of the Respondent in Refusal Check Slip in Refusal Number:RFL/Kadayam/26/2025, dated 19.03.2025 was issued by the respondent and consequential direction to the respondent to register the petitioner's sale deed dated 19.03.2025 in respect of the property in land to the extent of 2.46 cents at North western side out of 95 cents at southern side from the total extent of 3.04 acres situated in Ayan Punjai S.No.137(1B2) at South Kadayam Village, Tenkasi Taluk, Kadayam Sub Registration Circle, Cheranmahadevi Registration District, Tirunelveli District.

2.The respondent, through the impugned order, refused to register the sale deed stating that the petitioner does not have DTCP approval for the housing plots. If registered the same, is against Section 22A(2) of the Registration Act, 1908.



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3. On perusal of the impugned sale deed, it is seen the road is already in existence. Even in the parent document, the road is already in existence. Under Circular No.359/J2/2020-1, dated 16.03.2020, in Sub Clause No.3, it has been clearly stated that if new road is not established, Section 22-A of the Registration Act is not attracted. In the present case, a new road was not formed. Even in the parent document, the road, which is shown already in existence and therefore, the petitioner's land is covered under Sub Clause No.3 in the Circular No.359/J2/2020-1, dated 16.03.2020 and hence, Section 22A(2) of the Registration Act, 1908, is not attracted. Hence, the impugned order is liable to be quashed.

4. Accordingly, this Writ petition is allowed. The impugned order of the Respondent in Refusal Check Slip Number:RFL/Kadayam/26/2025, dated 19.03.2025 is hereby quashed. The respondent is directed to register the petitioner's sale deed dated 19.03.2025 in respect of the property in land to the extent of 2.46 cents at North western side out of 95 cents at southern side from the total extent of 3.04 acres situated in Ayan Punjai S.No.137(1B2) at South Kadayam



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Village, Tenkasi Taluk, Kadayam Sub Registration Circle,
Cheranmahadevi Registration District, Tirunelveli District and the said
exercise shall be completed within a period of four weeks from the date
of receipt of a copy of the order. No costs.

01.07.2025

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

vsg

To

The Sub Registrar,
Kadayam Subregistrar Office,
Tenkasi District.



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S.SRIMATHY, J

vsg

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