

W.P.(MD).No.12170 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.12170 of 2025

A.Sevugamoorthy

.. Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Madurai District.

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 2nd respondent in Refusal Number.RFL/Melur(West)/16/2025 dated 15.04.2025 and quash the same as arbitrary, illegal and without any legal basis and consequently directing the 2nd respondent to entertain the sale deed dated 15.04.2025 presented by the petitioner for registration in TP/215849181/2025 and register the same in the light of the order made by the High Court of Madras in D.Rajamanickam Vs The Sub Registrar in W.P.No.426 of 2022 dated 01.07.2024 forthwith.

For Petitioner : Mr.M.Shakul Hameed

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



W.P.(MD).No.12170 of 2025

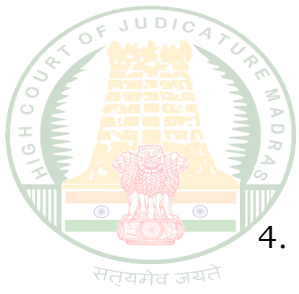
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ORDER

This Writ Petition is filed challenging the impugned proceedings issued by the second respondent in Refusal Number.RFL/Melur(West)/16/2025 dated 15.04.2025 and consequently, to direct the second respondent to entertain the sale deed dated 15.04.2025 presented by the petitioner for registration in TP/215849181/2025 and register the same in the light of the order made by the High Court of Madras in D.Rajamanickam Vs The Sub Registrar in W.P.No.426 of 2022 dated 01.07.2024 forthwith.

2. The petitioner states that he proposed to purchase the property in Survey No.24/18 of Melur, Madurai District from one M.Mohamed Salavudeen through his power agent, Barakathnisha. A sale deed was prepared and presented for registration on 15.04.2025. By the impugned refusal check slip, the respondent refused to register the document, as it attracts the provisions of Section 22-A(2) of the Registration Act. Challenging the same, the present Writ Petition.

3. I heard Mr.M.Shakul Hameed for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents.



W.P.(MD).No.12170 of 2025

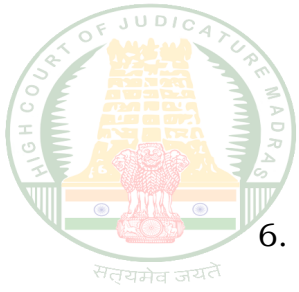
4. Section 22-A(2) of the Registration Act would be attracted only if an agricultural land is unauthorisedly converted into house site without the permission of the Directorate of Town and Country Planning and the local planning authorities. The petitioner states that he is purchasing the property only as an agricultural land and therefore, Section 22-A(2) will not be applicable.

5. Furthermore, the petitioner has filed an affidavit of undertaking, which reads as follows:

“5. I hereby undertake that the petitioner would not and never construct any building or house in the land which is proposed to purchase from me. I further undertake that the petitioner would only carry on his agricultural operations and eak out his livelihood by raising various timely and seasonal crops and he purchase the property for the purpose of his children's future savings..

6. I further undertake that if at all in the future, if either myself or the petitioner 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 permissions from the concerned Governmental authorities.”

The undertaking affidavit is recorded.



W.P.(MD).No.12170 of 2025

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

There shall be a direction to the second respondent to register the sale deed presented by the petitioner dated 15.04.2025 within a period of two (2) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands allowed. There shall be no order as to costs.

28.04.2025

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

To

1.The District Registrar,
Office of the District Registrar,
Madurai District.

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



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W.P.(MD).No.12170 of 2025

V.LAKSHMINARAYANAN,J.

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W.P.(MD).No.12170 of 2025

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