

W.P.(MD).No.13122 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.13122 of 2025

Shanthi

.. Petitioner

Vs.

The Sub Registrar,
Manavalakuruchi,
Kanyakumari.

.. Respondent

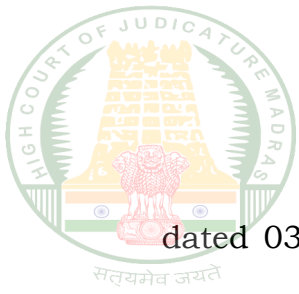
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the impugned refusal check slip under Refusal No.RFL/Manavalakuruchi/17/2025 passed by the respondent dated 03.04.2025 and to quash the same as illegal and further to direct the respondent to register the sale deed dated 03.04.2025 executed by the petitioner relating to the property situated under Old S.No.1854 having its New Re.S.No.841/10A4 measuring to an extent of 7.263 cents equivalent to 294 Sq.mts located at Vellisanthai B Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.B.Micheal Sebastin

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

ORDER

The Writ Petition is filed challenging the impugned refusal check slip under Refusal No.RFL/Manavalakuruchi/17/2025 passed by the respondent



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dated 03.04.2025 and further, to direct the respondent to register the sale deed dated 03.04.2025 executed by the petitioner relating to the property situated under Old S.No.1854 having its New Re.S.No.841/10A4 measuring to an extent of 7.263 cents equivalent to 294 Sq.mts located at Vellisanthai B Village, Kalkulam Taluk, Kanyakumari District.

2. The petitioner states that the property situated in R.S.No.841/10A4 belonged to one M.Krishnaraj. He had alienated the property in favour of the petitioner on 24.11.2022. The petitioner sought to alienate the property in favour of one Ashok Kumar on 03.04.2025. When the document was presented for registration, the respondent issued a refusal check slip stating that the same is barred under Section 22-A(2) of the Registration Act. Challenging the same, the present Writ Petition has been filed.

3. I heard Mr.B.Micheal Sebastin for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondent.

4. When an earlier document has been received and registered as a house site, the bar under Section 22-A(2) is inoperative by virtue of its proviso. It is not in dispute that the petitioner herself has purchased the property on 24.11.2022 and it was registered as a document in Document No.2723/2022. When the proviso applies, the bar under Section 22-A(2) does not get attracted. In any event, the right to alienate the property, being



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a constitutional right, cannot be taken away by a refusal check slip. This position of law has been settled by this Court in ***D.Rajamanickam Vs. the Sub Registrar, Salem (West), W.P.No.426 of 2022 dated 01.07.2024 .***

5. In the light of the above discussion, the impugned order is quashed. The Writ Petition stands allowed. There shall be a direction to the respondent to register the sale deed executed by the petitioner dated 03.04.2025, within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

29.04.2025

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

To
The Sub Registrar,
Manavalakuruchi,
Kanyakumari.



WEB COPY



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V.LAKSHMINARAYANAN,J.

Lm

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