

W.P.(MD)No.12569 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.12569 of 2025

Arul Arasu

... Petitioner

vs.

The Sub Registrar,
Eraniel Sub Registrar Office,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the Respondent in Refusal Check Slip bearing Na Ka No. 101/2025 dated 24.02.2025 and quash the same and consequently direct the Respondent to register the Rectification deed dated 21.02.2025 submitted by the petitioner.

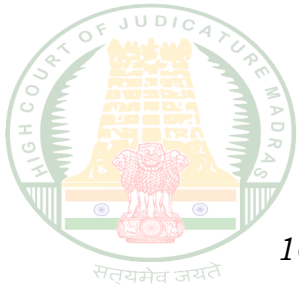
For Petitioner :Mr.P.Sonu

For Respondent :Mr.P.T.Thiraviyam
Government Advocate

ORDER

The petitioner seeks for the following relief:-

*“Writ of Certiorarified Mandamus, calling for the records
of the Respondent in Refusal Check Slip bearing Na Ka No.*



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WEB COPY 101/2025 dated 24.02.2025 and quash the same and consequently direct the Respondent to register the Rectification deed dated 21.02.2025 submitted by the petitioner.”

2.The petitioner states that the property situated in S.No.571/8 of Nullivilai A Village, Kalkulam Taluk, Kanyakumari District, belonged to his mother, Gnana Selvam. She had purchased the same by way of two registered documents in Doc.Nos.1518 and 1519 of 1980 on the file of Sub Registrar, Eraniel. Gnana Selvam out of natural love and affection settled 10 cents each in favour of the petitioner and his brothers, M.G.Elthalsan Arasu and M.G.Eedilson Arasu. The settlement deed was by way of three documents in Doc.Nos.623/2020, 622/2020 and 2275/2020.

3.Insofar as Doc.No.623/2020 is concerned, instead of showing the boundary as a public pathway, it was shown as Government school. In order to rectify the said document, the petitioner presented a rectification deed on 21.02.2025. This was rejected by way of impugned order stating that the petitioner is creating a new pathway and therefore, it attracts the provision of Section 22A(ii) of the Registration Act, 1908.



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4.I heard Mr.P.Sonu for the petitioner and Mr.P.T.Thiraviyam,

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learned Government Advocate for the respondent.

5.The learned counsels reiterated the contentions in the affidavit and in the written instructions received respectively.

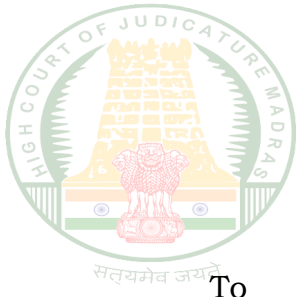
6.For the purpose of Section 22A(ii) of the Registration Act, 1908, to apply, the document must be a document of title. A rectification deed is not a document of title. It merely seeks to correct the errors, which have crept in the earlier document. As the condition precedent for application of Section 22A(ii) of the Registration Act, 1908, is not attracted, the impugned order is interfered with.

7.In fine, the Writ Petition is allowed. The impugned order is quashed. There shall be a direction to the respondent to register the rectification deed presented by the petitioner, if it is otherwise in compliance of the Registration Act, 1908. No costs.

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

29.04.2025

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To
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The Sub Registrar,
Eraniel Sub Registrar Office,
Kanyakumari District.



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V. LAKSHMINARAYANAN, J.

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