



W.P(MD)No.13851 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.13851 of 2025

and

WMP(MD)No.10014 of 2025

Dharmalingam

... Petitioner

vs.

The Sub Registrar,
Eraniel,
Kanyakumari.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the impugned refusal check slip under Refusal No. RFL/Eraniel/57/2025 passed by the respondent dated 17.04.2025 and to quash the same as illegal and further, to direct the respondent to register the sale deed dated 17.04.2025 executed by the petitioner relating to the property situated under New S.No.285/2A measuring to an extent of 7.012 cents equivalent to 283.84 sq.mts located at Aathivilai Revenue Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.B.Micheal Sebastian

For Respondent : Mr.G.Suriya Ananth
Additional Government Pleader



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned refusal check slip under Refusal No. RFL/Eraniel/57/2025 passed by the respondent dated 17.04.2025 and further, to direct the respondent to register the sale deed dated 17.04.2025 executed by the petitioner relating to the property situated under New S.No.285/2A measuring to an extent of 7.012 cents equivalent to 283.84 sq.mts located at Aathivilai Revenue Village, Kalkulam Taluk, Kanyakumari District.

2.The contention of the petitioner is that the petitioner was having an extent of 34 cents of the property. Already three plots were sold in the year 2022 as under:

Document No.	Extent of the Property	Nature of the Property
2043/2022	5 cents	housing plot
3159/2022	8.905 cents	housing plot
3173/2022	6 cents	housing plot

Now, the petitioner is intended to sell the remaining plots which still come to the extent of 14 cents, divided into two plots. The respondent has objected to the said registration since there is no road and other common places were not handed over to the respondent and the layout is not proved. Further, already three sale deeds have been registered by the respondents. Now they cannot refuse to register the other two documents.



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3.However, Learned Additional Government Pleader appearing for the respondents submitted that the earlier three registered documents are objected by the audit wing. Therefore, it is kept in abeyance. There is no road to the petitioner's land. Further, the said sale deeds have been registered only in the year 2022 i.e., after the amendment of the Act.

4.After considering the rival submissions, this Court is of the considered opinion that it is not a regular layout where interference is necessary. Already three sale deeds have been registered in the year 2022. Of course, it is after the cut-off year of 2016. But the objection of the respondent that there is no road but the name is not true, because the encumbrance certificate indicates in the Survey No.285-2A, there is 10 feet road on the south side and no new road is formed. Since it is not a regular layout issue, this Court is inclined to reject the objection of the respondent.

5.Therefore, the the impugned refusal check slip is set aside and the respondent is directed to register the said sale deed within a period of four weeks from the date of receipt of a copy of this order.

6.With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition



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

Tmg

To:

The Sub Registrar,
Eraniel,
Kanyakumari.

10.06.2025
(1/2)



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.13851 of 2025**

**DATED : 10.06.2025
(1/2)**