



W.P(MD)No.16228 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16228 of 2025

Thambidurai

... Petitioner

Vs

The Sub Registrar,
Registration Department,
Chettikulam Sub Registrar Office (Madurai North),
Madurai District.

... 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 records relating to the impugned check slip in RFL/Chettikulam/59/2025 dated 25.04.2025 issued by the respondent and quash the same and consequently direct the respondent to receive the release deed dated 02.04.2025 executed by the petitioner and other legal heirs in favour of his brother Mr.Chelladurai and register the same and release the document presented by the petitioner as per the Registration Act 1908, with a time frame.

For Petitioner : Mr.M.Maruthupandian

For Respondent : Mr.S.Saji Bino
Special 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 dated 25.04.2025 and consequently, direct the respondent to receive the release deed dated 02.04.2025 executed by the petitioner and other legal heirs in favour of his brother Mr.Chelladurai and register the same and release the document presented by the petitioner as per the Registration Act 1908.

2. Through the impugned order, the respondent has stated that the petitioner is trying to sell the property without obtaining plan approval, and therefore, the same cannot be registered. If registered, it would attract the provisions of Section 22A(2) of the Registration Act.

3. The learned Counsel appearing for the petitioner submitted that Document No.2943 of 2010 dated 23.07.2010, was sold as housing plot. The larger layout is named as “Meenambal Nagar”, wherein on the southern side, it is shown “Subbaiahya Kothanar 25 feet road”. Further, it is seen from the said document, as early as 2010 itself, the larger extent of the property was divided into plots and roads were laid out and it is registered prior to the cut off date in the year 2016 itself. Moreover, the contention of the petitioner is that more than 90%



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of the plots were sold prior to 2016 and therefore, as per the Circular dated 16.03.2020, if a larger portion of the land is sold, then the provisions of Section 22A(2) of the Act will not be attracted.

4. The issue has already been considered by another learned Single Judge in the case of ***D.Rajamanickam Vs. The Sub Registrar, Salem (West), in W.P.No. 426 of 2022 dated 01.07.2024***. Therefore, this Court is of the considered opinion that the impugned order is a clear case of non-application of mind and against the circular issued by the respondent. Accordingly, the impugned order is hereby quashed. The officials respondents are directed to register the document within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above said directions, this Writ Petition is allowed. There shall be no order as to costs.

29.07.2025

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

jbr



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S.SRIMATHY, J.

jbr

To:

The Sub Registrar.,
Registration Department,
Chettikulam Sub Registrar Office (Madurai North),
Madurai District.

ORDER MADE IN
W.P(MD)No.16228 of 2025

DATED : 29.07.2025