



W.P(MD)No.15760 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.15760 of 2025

1. Sivagirinathan

2. Mariappan

... Petitioners

Vs

The Sub Registrar,
Nanguneri Sub Registrar Office,
Tirunelveli 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 pertaining to impugned Refusal Check Slip in Refusal Number RFL/Nanguneri/41/2025 dated 22.05.2025 was issued by the respondent and quash the same as illegal and consequently directing the respondent to register the sale deed dated 30.04.2025 in respect of the property in Ayan Punja Survey No. 161A/1A1B to the extent of 1 Acre 12.50 cents out of 0.62.00 Hectares and the property in Ayan Punja Survey No.161A/1A1A1 to the extent of 50 cents out of 0.20.50 hectares situated at Iraippuvari Village, Nanguneri Taluk, Tirunelveli District within a stipulated period as framed by this Court.

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For Petitioners : Mr.Charles Kamalesh M. Appaji

For Respondent : Mr.S.Saji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the refusal check slip dated 22.05.2025 and consequently, direct the respondent to register the sale deed dated 30.04.2025.

2. Through the impugned order, the respondent refused to register the sale deed stating that DTCP approval is not obtained and that the land has been laid out, divided into housing plots and named as Joy city, where four plots had already been sold as housing plots. The respondents had reiterated the same in the counter.

3. The contention of the petitioners is that even though four plots were registered as housing plots, Joy City had availed a loan and defaulted. Subsequently, a civil suit was filed. In the civil suit, the properties were sold through auction. The petitioners purchased the subject property through the said



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auction as agricultural land. Now, the petitioners are intended to sell 2 acres and 4 cents of the said land and seeks registration of the same as agricultural land.

4. The learned Special Government Pleader had filed a counter affidavit stating that even though the petitioners are seeking to register the land as agricultural land, the larger extent had already been sub-divided in the plots and named as Joy City and four plots were sold prior to 2016 as housing plots. When, the plots have been converted into housing plots and the same cannot be reconverted as agricultural land.

5. After hearing the rival submissions, this Court has given its anxious consideration. It is seen that the land in dispute is situated in unapproved layout, but four plots were sold prior to 2016. Thereafter, the unsold lands were brought for sale through Court Auction Sale to repay the loan. But the lands were again sold in the Court Auction as agricultural lands and the petitioners had purchased the land as agricultural land. Further the alleged Joy City was not having any approval for the layout, hence there is no impediment in using the land as agricultural land. If the petitioner had purchased the lands without dividing as housing plots and that too as agricultural land, then the provision of section 22A is not attracted.



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6. However, while registering the sale deed, stamp duty shall be fixed in accordance with law. If there is any dispute regarding the valuation of stamp duty, the provision of Section 47-A of the Indian Stamp Act may be invoked.

7. Accordingly, the impugned order is set aside. The respondent is directed to register the sale deed, within a period of four (4) weeks from the date of receipt of a copy of this order. With the above said directions, this Writ Petition is disposed of. There shall be no order as to costs.

01.07.2025

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

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To:

The Sub Registrar,
Nanguneri Sub Registrar Office,
Tirunelveli District.



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S.SRIMATHY, J.

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ORDER MADE IN
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