



W.P(MD)No.16945 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16945 of 2025

and

W.M.P(MD)No.12855 of 2025

1. S.A.Perumal

2. S.Raveendran

... Petitioners

Vs

The Sub Registrar,
Idalagudi,
Kanniyakumari 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 impugned refusal check slip under Refusal No. RFL/Idalagudi/54/2025 passed by the respondent dated 23.05.2025 and to quash the same as illegal and further to direct the respondent to register the sale deed dated 21.05.2025 executed by the petitioners relating to the property situated under old S.No.5136 its New Sub Division S.No.442/2A measuring to an extent of 4.310 Cents equivalent to 174.468 square meter located at Madhusoothanapuram North Village, Agastheeswaram Taluk, Kanniyakumari District.



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For Petitioners : Mr. B.Micheal Sebastin

For Respondent : Mr.S.Kameshwaran
Government Advocate

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the refusal check clip dated 23.05.2025 and consequently direct the respondent to register the sale deed dated 21.05.2025.

2. The petitioners inherited the said land through a Will. The Will was executed on 10.08.2015. In the said Will, the first item of property mentioned is Survey No.442 /2.

3. On verifying the four boundaries of the said Will on the southern and western sides, it is marked as “Kal”. According to the petitioners, it is a small channel used for agricultural purpose, which is also being used as a pathway. Further, the said Survey No.442/2 was sub-divided into Survey Nos.442/2 and 442/2A. Nine plots were sold as early as 2020, and the same were registered.



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Since new roads were not formed, then as per Circular in Letter No. 359/J-2/2020-1 dated 16.03.2020, it does not attract the provisions of Section 22-A. The same is considered by another learned Single Judge in ***D.Rajamanikam vs. Sub Registrar, Salem (West)*** in W.P.No.426 of 2023 reported in ***MANU/TN/3236/2024***.

4. Therefore, the impugned order is quashed. 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.

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

03.07.2025

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

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To:

The Sub Registrar,
Idalagudi,
Kanniyakumari District.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.16945 of 2025

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