

W.P(MD)No.18386 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.18386 of 2025

and

W.M.P(MD)No.14115 of 2025

1. P.Mani

2. P.Kannan

... Petitioners

Vs

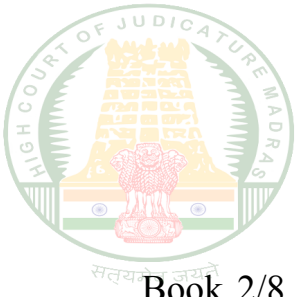
1. The District Registrar,
Madurai District Registrar Office,
TNAU Nagar,
Rajagambeeram,
Y. Othakadai,
Madurai District - 625 106.

2. The Sub-Registrar,
Melur West Sub-Registrar Office,
Madurai District.

... Respondents

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 the impugned Refusal Check Slip in RFL/Melur (West) Book 2/2 to

1/11



W.P(MD)No.18386 of 2025

Book 2/8 proceedings regarding 7 pending Documents dated 03.06.2025 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.1 and 2 to register the sale deed dated 16.04.2025 within the time frame stipulated by this Court.

For Petitioners : Mr.M.Mahaboob Fazil

For Respondents : 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 03.06.2025 and consequently direct the respondents to register the sale deed dated 16.04.2025.

2. The petitioners are owners of a larger extent of 50 cents comprised in three Survey Nos.78/8B, 80/2A, 80/2B. The petitioners are also owners of the property adjacent to the disputed sites comprised in Survey Nos.74/10A, 74/9, 74/4, 74/5A, 74/11, 74/12. The said survey numbers were laid out and approved by the competent authority and sold to several persons. The petitioners had



W.P(MD)No.18386 of 2025

WEB COPY

retained the disputed portion of the property under their ownership all these years. However, due to exigencies arising from an accident, the petitioner had undergone treatment. Now the petitioner is undergoing dialysis treatment at Meenakshi Mission Hospital.

3. The contention of the petitioner is that he is intended to sell the property for above said medical expenses and the same is purchased by some of his friends and relatives in order to help the petitioner. He submits that it was never his intention to sell the property, but the exigency of the situation has compelled him to do so. However, the respondents have refused to register the sale deed on the ground that the layout in disputed land has not been approved by the competent authority. According to the petitioner, he is selling the property as agricultural land, hence layout approval is not necessary. Whereas the respondents have taken the view that the land is being sold as housing plots, since the petitioner is selling the smaller extent which is below two cents. Further the learned Counsel appearing for the respondent is relying on the earlier housing plots which the petitioner had sold it by dividing into plots in the approved layout. Further, the respondent is relying on the extent of the property which is being intended to be sold are very small portions, some measuring less than two cents. Therefore, the



W.P(MD)No.18386 of 2025

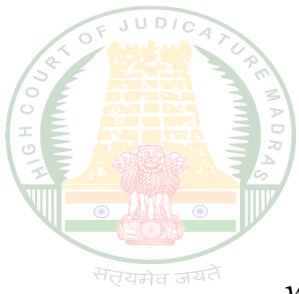
respondents have refused to register the sale deed.

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4. It is seen that the petitioner has sold two properties measuring 11 cents, 7 cents and 6 cents respectively. The remaining properties were sold in smaller extent of 3.56 cents, 2.70 cents, 1.95 cents and 2.95 cents. Based on the above extent, the respondents state that the sales are not as agricultural land. The said issued is considered in W.P.(MD)No.11356 of 2020 dated 23.06.2021, wherein it is held as under:

“5.On a careful reading of the earlier sale deed, through which, the petitioner became the owner of the property measuring an extent of 1 acre 11 cents and the present sale deed that is executed by the petitioner to convey 37 cents of land, it is seen that the land is dealt with only as an agricultural land. The respondent has probably assumed that since the petitioner is only selling a portion of the land, it may be used as a house site. At the best, the decision taken by the respondent is only based on apprehension and it is not borne out by any materials.

6.This Court has considered similar cases and it has been consistently held that where the property is being dealt



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with as an agricultural land, it cannot be presumed to be a house site only on the apprehension that it may be put to use as a house site in future. Admittedly, in the present case the land in question is classified only as an agricultural land and it is dealt with only as an agricultural land. Therefore, the respondent cannot assume it to be a house site and refuse registration of the document. A clause shall be inserted in the sale deed to the effect that the land in question will be used as an agricultural land and as and when any steps are taken to convert it into plots, the same will be done only after getting necessary permission from the concerned authorities.”

5. In another case in ***Subramani vs. The Sub Registrar and other*** in W.P.

11056 of 2024 dated 26.04.2024 it is held as under:

“23. Similarly, this Court has also come across various instances of refusal of documents citing that road has been formed in the particular survey number, therefore, it should be treated as house sites, even though the agricultural land is sought to be transferred. This Court is of the view that merely because some portion of the land in particular survey number sold as house sites earlier, when the remaining land remained as an agricultural land and no layout has been formed in the survey number with the approval of the competent authorities, merely because some portion of the land is sold earlier as house sites, there is no bar for registering agricultural lands.”



W.P(MD)No.18386 of 2025

WEB COPY

Therefore, following the above decision, this Court is of the considered opinion that the land sold is only agricultural lands.

6. Further, the respondents have stated in the counter affidavit that the petitioners have left certain portions of the land as 'cart track'. From this is evident that the petitioner is intended to maintain the land as agricultural land itself.

7. It is seen that the petitioner is selling plots without forming any new road. As per the Circular dated 16.03.2020 the land other than in Chennai Metropolitan Area, if no new road is formed then the same would not come within the purview of section 22-A (2). In the present case, the land is not coming within the Chennai Metropolitan Area. It is coming within the Melur Municipality area. The petitioner has not formed any new road hence the petitioner is protected under the said Circular.

8. As per Circular dated 16.03.2020, if the number of plots sold is less than eight in the Chennai Metropolitan Area, it will not be considered as a 'layout'. In the present case the petitioners had divided the land into seven plots which is less than eight plots. Even though the said condition is applicable to the Chennai



W.P(MD)No.18386 of 2025

WEB COPY

Metropolitan Area, there is no logic for not granting the same relief to other places other than Chennai Metropolitan Area. Further the object of provision is for restricted developments. Large number of developments are taking places without adequate infrastructure facilities especially roads, drainage system, adequate space between houses etc. Therefore, this Court is of the considered opinion that the eight plots relaxation is applicable to non-Chennai Metropolitan Area also.

9. This Court is of the considered opinion that even though the petitioner is selling some of the plots measuring more than six cents, the same may be accepted as agricultural land to some extent. If the petitioner is selling below two cents then the same cannot be accepted as agricultural land. Admittedly, the petitioner has not officially converted the subject land from agricultural land to housing plots. Hence, the petitioners have submitted an undertaking before the authority stating that if the plots are developed into housing plots, he would pay appropriate fees for the same and obtain necessary approvals from the competent authority. The said undertaking is extracted hereunder:



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உறுதிமொழி சான்று

இத்துடன் இணைத்துள்ள கிரையம் ஆவணம் உள்ள சொத்தினை பொருத்து, நீர்நிலைகள், நீர்வழிப்பாதைகள், நீர்நீர்ப்பு பகுதிகளில் கட்டுப்படவில்லை என சுயசான்றளிக்கிறோம். இதனில் தங்களுக்கு தவறான தகவல் அல்லது சான்று அளிக்கப்பட்டதாக பின்னாளில் கண்டுபிடிக்கப்பட்டால் அதனால் நான்/நாங்கள் சட்டபூர்வ நடவடிக்கைகளுக்கு உட்படுத்தப்படுவோம் என்பதையும் அறிவேன்/அறிவோம். மேலும் எதிர்வரும் காலங்களில் வீடு கட்டவோ அல்லது வேறு கட்டிடங்கள் கட்டவோ முற்பட்டால் அதற்கான அரசு வழிகாட்டுதலின்படி சரியான அங்கீகாரம் மற்றும் அதற்கான கட்டணங்கள் ஆகியவைகளையும் முறையாக செலுத்துவோம் என்றும் இதன் மூலம் உறுதியளிக்கிறோம். மேலும் இதில்கண்ட நான்குமாலில் உள்ள விவசாய பாதை அனைத்தும் விவசாய இடுபொருள் கொண்டு செல்வதற்காக நாளது தேதியில் பதிவு செய்யப்படும் மேலூர் கிராமம் சர்வே எண்—78/8, மற்றும் 80/2A2A—ல் கட்டுப்பட்ட சொத்தில் பதிவில் உள்ள 7 நபர்களுக்கு மட்டும் பாத்தியப்பட்டது என்றும், பொது பாதை ஏற்படுத்தவில்லை என்றும், புதிய ரோடுகள் ஏற்படுத்தவில்லை என்றும் அரசு விதிகள் மீறப்படவில்லை என்றும் உறுதி கூறுகிறோம். ஆகவே பதிவு துறை தலைவர் கடித எண்—52889/சி1/2019 நாள் 18.03.2020—ன் படியும், 52889/சி1/2019 நாள் 03.01.2020—ன் படியும் அதில் காட்டப்பட்டுள்ள அட்டவணை வரிசை எண்—8—ன் படி வீட்டு வசதி துறை மற்றும் நகர்புற வளர்ச்சி துறை நாள்—04/05/2017—ன் படி 1908—ம் ஆண்டு பதிவு சட்டப்பரிவு 22ஏ—வை மீறுவதாக உள்ளது இல்லை. ஆகவே சமூகம் அவர்கள் இதில்கண்ட பதிவுத்துறை கடிதத்தை பரிசீலித்து எனது ஆவணங்களை பதிவு ஏற்றுக் கொள்ளுமாறு தாழ்மையுடன் கேட்டுக் கொள்கிறேன்.

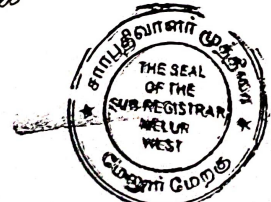
எழுதிக்கொடுப்பவர்கள்

வாங்குபவர்

P. J. M.


QW. அண்ணா

1 புத்தகம் 2025 ஆண்டில்.....
சன் ஆவணம்தாள்களைக்
கொண்டது.....12.....



S. P. M. 19

3



W.P(MD)No.18386 of 2025

WEB COPY

10. The said undertaking shall be attached along with the sale deed at the time of its presentation for registration before the competent authority. In view of the above, this Court is of the considered opinion that based on the undertaking, the registration will be carried out. Accordingly, the impugned order is quashed. The respondents are directed to register the sale deed along with the undertaking, within a period of four (4) weeks from the date of receipt of a copy of this order.

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

09.07.2025

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

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9/11



W.P(MD)No.18386 of 2025

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To:

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Madurai District Registrar Office,
TNAU Nagar,
Rajagambeeram,
Y. Othakadai,
Madurai District - 625 106.
2. The Sub-Registrar,
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Madurai District.

10/11



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W.P(MD)No.18386 of 2025

S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.18386 of 2025

DATED : 09.07.2025

11/11