



W.P.(MD)No.19366 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.19366 of 2025

Alla Bux

... Petitioner

-VS-

1. The Inspector General of Registration,
Santhome High Road,
Chennai 600028.

2. The District Registrar,
Katcheri Road,
Virudhunagar District.

3. The Sub Registrar,
Sub Registrar Office No. 2,
Katcheri Road,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the refusal slip passed by the 3rd Respondent in RFL/2 in Document No.TP/222506864/2025 dated 27.06.2025 and Quash the same and subsequently direct the 3rd Respondent to register the sale deed presented by the petitioner on 27.06.2025 bearing TP/222506864/2025 relating to Survey No. 152/2C1 to an extent of 31 cents in Pavali Village, Virudhunagar District.



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W.P.(MD)No.19366 of 2025

For Petitioner : Mr.M.Murugan
For R1 to R3 : Mr.S.Saji Bino
Special Government Pleader

ORDER

The present writ petition is filed for a Certiorarified Mandamus to call for the records pertaining to the refusal slip passed by the 3rd Respondent in RFL/2 in Document No.TP/222506864/2025 dated 27.06.2025 and quash the same and consequently, direct the 3rd respondent to register the Sale Deed dated 27.06.2025.

2. Through the impugned order, the respondents have stated that the petitioner has formed a new pathway. Therefore, it is attracted to the provisions of Section 22A(2).

3. The learned counsel appearing for the petitioner would submit that the petitioner has already executed a Sale Deed for 31 cents. He would further submit that the petitioner has not formed any new pathway in the subject property and therefore, it has to be considered only as an agricultural land and not as a housing plot.



W.P.(MD)No.19366 of 2025

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4. The learned Special Government Pleader appearing for the respondents referring to the counter affidavit filed by the 3rd respondent would submit that the adjacent lands in S.No.152/2 which was plotted out and the layout was approved and hence, the guide line value fixed is Rs.120/- per sq.ft and several documents have been registered. Therefore, in the present case also, even though the land is sold as an agricultural land, it has to be considered as a housing plot. He would further submit that a road has been newly formed and therefore, approval of the layout is necessary as per Section 22A.

5. By way of rejoinder, the learned counsel appearing for the petitioner would submit that in the case of adjacent land plot was already laid out and only thereafter approval was sought. Therefore, it was treated as a housing plot. Hence, the respondent has fixed Rs.120/- per sq.ft. But in the present case, the petitioner's property is an agricultural land and there is no sub division of plots in the petitioner's property. Therefore, the respondent cannot impose stamp duty which is applicable for housing plots.



W.P.(MD)No.19366 of 2025

WEB COPY

6. The further contention of the petitioner is that in the year 2024, the respondents allowed to register the document by treating the same as an agricultural land and not housing plot. But now the respondents are trying to impose the stamp duty applicable to housing plot which cannot be sustained.

7. Heard both side and perused the materials available on records.

8. This Court after hearing rival submissions is of the considered opinion that if the property is above 20 cents, it has to be treated as an agricultural land. The said issue has already been settled by this Court. Further, the said discretionary power of the respondents cannot be adjudicated in the writ petition till foreclosing the powers granted to the respondent unnecessarily. The issue ought to be settled under Section 45A proceedings. Therefore, the issue is left open, otherwise the petitioner is entitled to register the same and the respondent cannot refuse registration by either under Section 22A.



W.P.(MD)No.19366 of 2025

WEB COPY 9. Therefore, the impugned order dated 27.06.2025 is quashed.

Accordingly, the writ petition stands allowed with a direction to the respondents to register the sale deed dated 27.06.2025 within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not granted any observation made in the stamp duty.

10. The writ petition is allowed with the above observations. No costs.

05.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
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W.P.(MD)No.19366 of 2025

S.SRIMATHY, J.

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To

1. The Inspector General of Registration,
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Katcheri Road,
Virudhunagar District.
3. The Sub Registrar,
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