



W.P(MD)No.25973 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25973 of 2025

Kasthuri Bai

... Petitioner

Vs.

The Sub Registrar
Edalakudy,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Check Slip issued by the respondent in Refusal Number RFL/Edalakudy/102/2025 dated 15.09.2025 and quash the same as illegal and consequently direct the respondent to register the document presented or new document to the presented by the petitioner with regard to survey No.567/13A corresponding to new survey No.567/17B bearing patta no.18093 measuring 4.221 cents situated at Madhusudanapuram north village, Agasteeswaram Taluk, Edalakudy sub division, Kanyakumari District within a time frame fixed by this Court.



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For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.D.Gandhiraj,
Spl. Government Pleader.

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ORDER

Heard both sides.

2.The writ petitioner executed sale deed dated 15.09.2025 in favour of one Revathi. The document was presented for registration. It was returned by invoking Section 22-A of the Registration Act. Challenging the refusal check slip, this writ petition has been filed.

3.It is seen that the property was allotted to the share of the writ petitioner's husband in a partition that took place on 28.08.2019. The partition deed has been registered as Document No.320/2019. The said property was settled in favour of the writ petitioner by her husband vide settlement deed dated 19.11.2024. It was registered as Document No.5361/2024. Thereafter, the writ petitioner put up construction after obtaining building plan approval dated 27.11.2024. Now the land is sold



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along with the building. If a house site alone is the subject the matter of conveyance, the instrument in question will fall within the prohibitory sweep of the statutory provision. In this case, the land in question was already settled in favour of the writ petitioner. Earlier, it was allotted in favour of her husband. Subsequently, after obtaining approval, a house was constructed. When the conveyance deed pertains to a constructed house, Section 22-A of the Act cannot have any application.

4.In this view of the matter, the order impugned in this writ petition is set aside. The writ petition is allowed. The petitioner is permitted to re-present the document. It shall be registered and released subject to fulfilment of other usual formalities. No costs.

15.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:
The Sub Registrar
Edalakudy,
Kanyakumari District.

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