



W.P(MD)No.26565 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26565 of 2025

and

W.M.P(MD)No.20603 of 2025

K.Kathiresan

... Petitioner

Vs.

The Sub Registrar,
Vadasery,
Kanyakumari.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned refusal check slip under Refusal No. RFL/Vadachery/68/2025 passed by the respondent dated 04.07.2025 and to quash the same as illegal and further to direct the respondent to register the settlement deed dated 04.07.2025 executed by the petitioner relating to the property situated under New S.No.463/4A1B measuring to an extent of 2.637 cents equivalent to 106.746 sq.mts located at Erachakulam village, Thovalai Taluk, Kanyakumari District.

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For Petitioner : Mr.B.Micheal Sebastin
For Respondent : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner purchased the petition mentioned property vide sale deed dated 27.01.2023. It was registered as Document No.377 of 2023. The petitioner wants to settle the same in favour of his daughter. When the document was presented for registration, registration was refused by citing Section 22A of the Registration Act, 1908.

3.When the petitioner purchased the property, the registering department did not raise any objection. Now the petitioner wants to convey the property by way of settlement only as such. In other words, there is no change in the four boundary description. The writ petitioner's vendor also purchased the property in the year 2020 and that was also registered.



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4. When as many as two registrations were permitted by the respondent, I fail to understand as to why objection is raised for the first time now. Be that as it may, the petitioner gives an undertaking that when the document is re-presented, there will be a recital to the effect that without regularising the land in question as a plot by DTCP, no housing development will take place. If the petitioner re-presents the document by incorporating such a recital as undertaken before, it shall be registered and released subject to the other usual formalities.

5. This Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

24.09.2025

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

To

The Sub Registrar,
Vadasery,
Kanyakumari.

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G.R.SWAMINATHAN, J.

MGA

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