



W.P.No.13149 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13149 of 2023
and
W.M.P.No.12903 of 2023

T.Muthulakshmi

...Petitioner

Vs

1.The Inspector General of Registration,
100, Santhome Highway,
Pattinampakkam,
Chennai – 600 028.

2.The District Registrar,
Department of Registration,
Erode District,
Erode – 638 009.

3.The Sub Registrar,
Surampatti Village,
Erode District,
Erode – 638 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to register the settlement deed dated 16.12.2022 executed by the petitioner refused to



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register on 16.12.2022 with check slip in accordance with the circular of 1st respondent letter No.52889/C1/2019 dated 18.03.2020 within a time frame.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to register the Settlement Deed dated 16.12.2022.

2.The petitioner presented a Settlement Deed for registration to settle her property in favour of her son. The petitioner is the owner of the property to an extent of 10 cents in S.No.454/2B, Periyasemoor Village, Erode District. The petitioner through the settlement deed intended to settle 5 cents of land to her son. The registering authority refused to register the settlement deed on the ground that the document presented by the petitioner is a house site and therefore, permission from the planning authority is mandatory in view of Section 22A(2) of the Registration Act [hereinafter referred to as “the Act”]



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3.The learned counsel for the petitioner mainly contended that the subject land was classified as agricultural land and therefore, there is no impediment for registering the settlement deed presented by the writ petitioner.

4.The learned Additional Government Pleader raised an objection by stating that the petitioner is settling 5 cents of land in favour of her son. The subject land is surrounded by residences and it is a residential locality. Therefore, the previous classification may not have any implication with reference to the amendment made under Section 22A of the Act.

5.Even in case a particular land has been classified as agricultural land and surrounded by residential houses and the area became an urban area, then Section 22A(2) of the Act is to be complied with.

6.The very purpose and object of amendment is to ensure that the agricultural lands converted as house sites cannot be transferred without



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obtaining approval from the planning authority by following the procedures as contemplated. The Government thought fit to regulate the housing plots across the State of Tamil Nadu and the practice of selling the agricultural lands and converting the same as house sites without proper approval is to be stopped.

7.That being the intention of the amendment, in a residential locality a small extent of land cannot be registered as an agricultural land since the entire locality has already been converted as residential locality.

8.In the present case, it is not in dispute that the subject land is surrounded by residential houses. That being the factum, the principles applied by the registering authority is in consonance with the spirit of amendment made under Section 22A of the Act and mere classification cannot be relied upon in such circumstances. The Government has not re-classified the land in many locations and the old classifications are continued without any valid reason. The failure on the part of the authorities in re-classifying the agricultural lands cannot be a ground to violate the spirit



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of Section 22A(2) of the Act. Once the registering authority found that it is a residential location and a smaller extent of housing site is proposed to be settled or transferred in favour of any other person, then approval from the planning authority is required under Section 22A(2) of the Act and the petitioner is at liberty to submit an application before the competent authority and after obtaining the approval from the planning authority only present the settlement deed for registration. In the event of producing necessary document, the registering authority shall proceed with the registration by following the procedures as contemplated.

9. With these observations, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

20.09.2023

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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S.M.SUBRAMANIAM, J.

cse

To

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