



WP.No.18244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **10.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.18244 of 2024

Ksethuraman

.. Petitioner

Versus

The Sub Registrar, O/o.Sub Registrar,
Pennadam, Cuddalore District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the Refusal Check Slip dated 11.06.2024 in RFL/Pennadam /49/2024 issued by the respondent herein and quash the same and consequently direct the respondent to register the Gift Deed dated 10.06.2024 on re-representation within a time frame to be stipulated by this Court.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.P.Anandhakumar
Government Advocate

ORDER



WP.No.18244 of 2024

WEB COPY

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned Refusal Check Slip dated 11.06.2024 in RFL/Pennadam /49/2024 issued by the respondent herein and consequently direct the respondent to register the Gift Deed dated 10.06.2024 on re-representation within a time frame to be stipulated by this Court.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

4. The case of the petitioner is that he is having ancestral property to an extent of 1.02 acres along with agricultural service connection for 5 HP Motor Pump set and he was also issued pata and it is classified as agricultural land. It is the further case of the petitioner that when he executed a gift deed on 10.06.2024 in favour of his son in respect of the above property along with agricultural service connection and presented it for registration, the same was refused to be registered on the ground that the property in question is covered



WP.No.18244 of 2024

under section 22A of the Registration Act. Challenging the same, the present Writ Petition has been filed.

5. A perusal of records indicate that the gift deed presented by the petitioner has been refused on the ground that earlier some plots have been developed in the area. Merely because, some properties have been sold as house sites in an earlier occasion and the owner retained the remaining property as agricultural land, it cannot be said that such land cannot be sold at all. The bar under section 22A of the Registration act will apply only when agricultural land has been converted as house sites and sold. When the agricultural land are retained by the owner, he cannot be prohibited from dealing with the property. This aspect has been elaborately dealt by this Court in **D.Rajamanickam Vs. The Sub Registrar, Salem (West) in W.P.No.426 of 2022**, wherein this Court has held as follows :

“17. The clarification issued above would indicate that the bar contained under Section 22-A is only with regard to unapproved lay out which was formed without the permission for development from planning authority concerned and new roads or streets have been laid after the amendment and not in



WP.No.18244 of 2024

WEB COPY

respect of the Unapproved Layout prior to the amendment came into being. Such view of the matter as the layout was formed in 2020 and several plots had already been sold, registration of settlement deed executed by the petitioner for the remaining extent of land retained and held by the petitioner in favour of his son cannot be refused. As already held such land can be used for any purposes other than housing development. Even any one of the adjacent land owners may wish to purchase such land for the purpose of using it as vacant land or for any other purpose other than housing development. Therefore, transfer of such land cannot be said to be totally prohibited, if transfer of such land is totally prohibited, it would certainly violate the constitutional right guaranteed under Article 300-A of the Constitution of India. The very object of introducing Section 22-A by way of Tamil Nadu Act is only to restrict conversion of agricultural land or any other land as unapproved house sites without the permission for development of such land from planning authority concerned. Therefore, bar contained under Section 22-A cannot be applied in a mechanical fashion and registration cannot be refused and restraining the owner of such



WP.No.18244 of 2024

land from using the land for any other purposes other than

housing development.”

In the light of the above settled provision of law, the impugned refusal slip cannot be sustained in the eye of law.

6. Accordingly, this Writ Petition is allowed and the impugned Refusal Check Slip dated 11.06.2024 of the respondent is quashed and the respondent is directed to register the Gift deed dated 10.06.20204 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

10.07.2024

vrc

Index :Yes/No
Internet :Yes/No
Neutral Citation : Yes/No

To,

The Sub Registrar, O/o.Sub Ragistrar,
Pennadam, Cuddalore District.



WEB COPY



WP.No.18244 of 2024

N. SATHISH KUMAR, J.

VRC

W.P.No.18244 of 2024

10.07.2024