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WP.No.18455 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.18455 of 2024

Rani

.. Petitioner

Versus

The Sub Registrar, Palacode Sub Registrar Office,
Dharmapuri

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent pertaining to the Refusal Check Slip in Refusal number RFL/PALACODE/161/2024 dated 25.6.2024 and quash the same as illegal and unsustainable and further direct the respondent to admit and register the settlement deed dated 25.6.2024 executed by the petitioner in favour of her daughter named Kalaivani with respect to 27.5.cents in Survey No.184/1E1 at Belarahalli Village, Palacode Taluk Dharmapuri (i.e excluding the disposed portion to the extent of 25.5 cents outlined in the Doc.No.1620 of 1994 on the file of SRO Palacode) without insisting production of original title deed and layout approval.

For Petitioner : Mr.I.Shanmugaraja

For Respondent : Mr.P.Anandhakumar
Government Advocate



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ORDER

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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 in Refusal number RFL/PALACODE/161/2024 dated 25.6.2024 and quash the same as illegal and unsustainable and further direct the respondent to admit and register the executed by the petitioner in favour of her daughter named Kalaivani with respect to 27.5.cents in Survey No.184/1E1 at Belarahalli Village, Palacode Taluk Dharmapuri (i.e excluding the disposed portion to the extent of 25.5 cents outlined in the Doc.No.1620 of 1994 on the file of SRO Palacode) without insisting production of original title deed and layout approval.

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 she received 53 cents comprised in Survey No.184/1E situated at Belarahalli Village, Palacode Taluk as a gift from



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her grand father by virtue of a settlement deed dated 24.08.1994. She had already sold 22 cents as per the sale deed dated 19.12.2001 and settled an extent of 806 sq.ft. and 675 sq.ft. in favour of her daughters vide settlement deed dated 26.04.2014. When the petitioner executed a settlement deed to the remaining 27.5 cents in favour of her daughter and presented the settlement deed for registration, the respondent refused to register the same on the ground that the same was refused to be registered on the ground that earlier, in the said survey numbers plots were sold as house sites. Challenging the same, the present Writ Petition has been filed.

5. A perusal of records indicate that the settlement deed presented by the petitioner has been refused on the ground that earlier some plots have been developed in the area. The bar under section 22A of the Registration act will apply only when agricultural land has been converted as house sites and sold. 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



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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 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



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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 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 25.06.2024 of the respondent is quashed and the respondent is directed to register the settlement deed dated 25.06.2024 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, Palacode Sub Registrar Office,
Dharmapuri

<https://www.mhc.tn.gov.in/judis>



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N. SATHISH KUMAR, J.

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