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W.P.No.21177 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21177 of 2024

S.Murugan

...

Petitioner

versus

1.The District Registrar,
Kancheepuram,
Office of the District Registrar,
Arasu Nagar,
Thandavaraya Nagar,
Kancheepuram,
Orikkai - 631 601.

2.The Joint Sub Registrar - 1,
Kancheepuram,
Office of the Joint Sub-Registrar,
Taluk Office Compound,
Kancheepuram - 631 501.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to set aside the Refusal Slip issued by the second respondent in RFL/The Joint Sub-Registrar-I, Kancheepuram /Book 2/5, dated 21.06.2024 and quash the same as illegal, arbitrary and non est in law and consequently direct the second respondent to register the Sale Deed dated 09.05.2024.



For Petitioner : Mr.A.Maheshnath
for M/s.Eswar, Kumar and Rao

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For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition has been filed challenging the refusal slip dated 21.06.2024 issued by the second respondent, whereby he refused to register the Sale Deed presented by the petitioner for registration.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

4. It is the grievance of the writ petitioner that the property is originally allotted to one Gajapathi by virtue of registered partition deed dated 20.12.2019. The said Gajapathi has executed the Sale Deed in favour of the petitioner on 09.05.2024. The same was presented for registration on



09.05.2024, the second respondent refused to register on citing that the road has been formed.

5. It is relevant to note that the partition deed was registered on 20.12.2019 dividing the properties among the family members and at the stage itself, the road has been formed. Therefore, it cannot be said that the unapproved layouts have been formed to invoke Section 22-A of the Registration Act, 1908.

6. In this regard, this Court in the case of ***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 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



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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 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.



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7. Accordingly, this Writ Petition is allowed and the impugned Refusal Check Slip dated 21.06.2024 is quashed and the second respondent is directed to register the Sale Deed dated 09.05.2024 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

29.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

- 1.The District Registrar,
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N.SATHISH KUMAR, J.

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