



WEB COPY



WP.No.21480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21480 of 2024 & WMP.23446 of 2024

1. A.Vijayarajavarman

2. A.Siddhardh

.. Petitioners

Versus

1. The District Registrar,

O/o.the District Registrar, Thiruvarur District.

2. The Sub Registrar,

Mannargudi, Tiruvarur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent relating to impugned Refusal Check slip vide refusal No. RFL / Mannargudi - Nagapattinam / 264 / 2023 dated 28.08.2023 quash the same and consequently direct the respondents to register the settlement deed dated August 23 2023 and return the document after registration.

For Petitioner : Mr.Vikram Veerasamy

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader



WP.No.21480 of 2024

also been registered. When the petitioner presented the settlement deed for registration, the same was refused to be registered citing that the sites are not approved and hence, directed to get approved under the RERA Act, 2018 and submit the same for registration. Challenging the same, the present Writ Petition.

5. I have perused entire materials. The fact that the document has already been registered for some house sites is not in dispute and the document has been registered in Document No.3831 of 2015. Therefore, as the document has already been registered, there is no bar under the law to register the document. In this regard, it is relevant to extract proviso of Section 22A of Registration Act, which reads as follows :

“Provided that the house sites without such permission may be registered if it is shows that the same house site has been previously registered as house site.”

The above proviso makes it clear that even assuming that some of the house sites have not been approved, there is no bar under the law to register the document. Further it is relevant to note that the roads have already been formed prior to 2015 itself. Hence, when the layout and roads have already been formed, refusing to deal with those property cannot be sustained in the eye of law. This



WP.No.21480 of 2024

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 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



WP.No.21480 of 2024

WEB COPY

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 has to be set aside.

6. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 28.08.2023 is quashed and the respondent is directed to register the settlement deed dated 23.08.2023 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.

30.07.2024



WP.No.21480 of 2024

WEB COPY

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The District Registrar,
O/o.the District Registrar, Thiruvarur District.
2. The Sub Registrar,
Mannargudi, Tiruvarur District.



WEB COPY



WP.No.21480 of 2024

N. SATHISH KUMAR, J.

vrc

W.P.No.21480 of 2024

30.07.2024