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W.P.No.21925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21925 of 2024

K.Narasingaperumal

... Petitioner

Vs.

1.The Sub Registrar,
Achirapakkam Sub Registrar Office,
Achirapakkam, Chengalpattu District.

2.K.Iyyappan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Refusal Check Slip in RFL/Achirapakkam / 165/ 2024 dated 24.07.2024 issued by the first respondent herein, quash the same and consequently direct the first respondent herein to register the Settlement Deed dated 24.07.2024 executed by the petitioner in favour of his daughters on re-presentation of the above said settlement deed to the first respondent.

For Petitioner : Mr.G.Mageshkumar

For Respondents : Mr.B.Vijay, AGP for R1



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ORDER

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This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Refusal Check Slip in RFL/Achirapakkam / 165/ 2024 dated 24.07.2024 issued by the first respondent herein, quash the same and consequently direct the first respondent herein to register the Settlement Deed dated 24.07.2024 executed by the petitioner in favour of his daughters on representation of the above said settlement deed to the first respondent.

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

3. The petitioner presented the settlement deed for registration and the same was refused to be registered and the refusal slip has been issued mainly on the ground that the house sites have been developed on the agricultural land. That apart, the second respondent has already given a protest petition. According to the petitioner, the house sites have been developed in a particular survey number and the remaining extent is retained as agricultural land. Hence, there cannot be any refusal on the part of the Sub-Registrar.



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4. 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 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 mater 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



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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.

5. In view of the above observations, this Writ Petition is allowed and the impugned Refusal Check Slip in RFL/Achirapakkam / 165/ 2024 dated 24.07.2024 issued by the first respondent is set aside. The first



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respondent is directed to register the settlement deed within a period of one week from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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N.SATHISH KUMAR, J.

gsk

To

1.The Sub Registrar,
Achirapakkam Sub Registrar Office,
Achirapakkam, Chengalpattu District.

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