



W.P.(MD)Nos.11878 to 11880,11882 & 11883 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.11878 to 11880,11882 & 11883 of 2022
and W.M.P.(MD)No.11712 of 2022

S.Anbuthambi

... Petitioner in
W.P.(MD)Nos.11878 to
11880 and 11883/2022

V.Dharmaraj

... Petitioner in
W.P.(MD)No.11882/2022

Vs.

The Sub-Registrar,
Thiruchuli,
Virudhunagar District.

.... Respondent in
all W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the Impugned Order passed by the respondent vide check slip dated 03.06.2022 thereby rejecting the registration of the document namely sale deed dated 20.05.2022 bearing pending document Nos.P/Thiruchuli/8/2022, P/Thiruchuli/11/2022, P/Thiruchuli/12/2022, P/Thiruchuli/9/2022 and P/Thiruchuli/10/2022 respectively on the file of the



W.P.(MD)Nos.11878 to 11880,11882 & 11883 of 2022

office of the respondent and quash the same and consequently direct the respondent to register sale deed dated 20.05.2022 bearing pending document Nos.P/Thiruchuli/8/2022, P/Thiruchuli/ 11/2022, P/Thiruchuli/12/2022, P/Thiruchuli/9/2022 and P/Thiruchuli/10/2022 respectively within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
(In all W.Ps)

For Respondent : Mr.M.Siddarthan,
(In all W.Ps) Addl. Govt. Pleader

COMMON ORDER

These Writ Petitions have been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the Impugned Order passed by the respondent vide check slip dated 03.06.2022 thereby rejecting the registration of the document namely sale deed dated 20.05.2022 bearing pending document Nos.P/Thiruchuli/8/2022, P/Thiruchuli/11/2022, P/Thiruchuli/12/2022, P/Thiruchuli/9/2022 and P/Thiruchuli/10/2022 respectively on the file of the office of the respondent and quash the same and consequently, direct the



W.P.(MD)Nos.11878 to 11880,11882 & 11883 of 2022

respondent to register sale deed dated 20.05.2022 bearing pending document Nos.P/Thiruchuli/8/2022, P/Thiruchuli/ 11/2022, P/Thiruchuli/12/2022, P/Thiruchuli/9/2022 and P/Thiruchuli/10/2022 respectively within a time frame as fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

3. It is the case of the writ petitioners that the petitioners are the owners of the subject property and they have decided to alienate the subject property by virtue of sale deeds dated 20.05.2022. When they have presented the same for registration, the respondent has refused to register the same on the ground that one Pothiraj has given an objection and further, it is stated by the respondent in the impugned order that the subject lands were subdivided as house plots by laying thar road and therefore, the registration is against Section 22A of the Registration Act, 1908. Challenging the same, the petitioners have filed these Writ Petitions.



4. A perusal of records indicate that the sale deeds presented by the petitioners have been refused to be registered on the ground that the subject lands were subdivided as house plots by laying thar road. 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 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



W.P.(MD)Nos.11878 to 11880,11882 & 11883 of 2022

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 slips cannot be sustained in the eye of law. Further, merely on the basis of the protest petition, documents cannot be refused to be registered.

5. Accordingly, these Writ Petitions are allowed and the impugned Refusal Check Slips dated 03.06.2022 of the respondent are quashed and the respondent is directed to register the sale deeds dated 20.05.2022 presented by the petitioners within a period of fifteen days from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed. No costs.

09.08.2024

NCC : Yes/No
Index : Yes/No
vsm



WEB COPY



W.P.(MD)Nos.11878 to 11880,11882 & 11883 of 2022

N.SATHISH KUMAR, J.

vsm

To

The Sub-Registrar,
Thiruchuli,
Virudhunagar District.

W.P.(MD)Nos.11878 to 11880,11882
& 11883 of 2022

09.08.2024