



W.P.(MD)No.14720 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.14720 of 2024

L.Jai Venkatesh

... Petitioner

Vs.

1.Deputy Registrar,
O/o.Deputy Registrar,
Daniel Thomas Nagar,
Arulananda Nagar West Extension,
Thanjavur-613 007.

2.The Sub Registrar,
Pattukottai SRO-1,
Pattukottai Taluk,
Thanjavur District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip in RFL/1 SRO Pattukottai/35/2024 dated 18.06.2024 passed by the 2nd respondent, quash the same and consequently to direct the respondent to register the sale agreement dated 18.06.2024 executed by P.Nallathambi in the petitioner's favour, in respect of 28.67 cents, Punjai Land, comprised in Survey No.84/4C1, Ponnavaarayankottai Ukkadai Village, Pattukottai Taluk, Thanjavur District.



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For Petitioner : Mr.M.R.Dhalapathy Vignesh
For Respondents : Mr.C.Satheesh,
Govt. Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip in RFL/1 SRO Pattukottai/35/2024 dated 18.06.2024 passed by the 2nd respondent, quash the same and consequently direct the respondent to register the sale agreement dated 18.06.2024 executed by P.Nallathambi in favour of the petitioner, in respect of 28.67 cents, Punjai Land, comprised in Survey No.84/4C1, Ponnavarayankottai Ukkadai Village, Pattukottai Taluk, Thanjavur District.

2. It is the case of the writ petitioner that the petitioner has entered an agreement for purchase of an agricultural land to an extent of 28.67 cents in Survey No.84/4C1, Ponnavarayankottai Ukkadai Village, Pattukottai Taluk, Thanjavur District. When the said agreement was presented for registration, the same has been refused to be registered on the ground that it is an unapproved house site. Challenging the same, the petitioner has filed this Writ Petition.



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3. It is the contention of the learned counsel appearing for the petitioner that in the same survey number 10 cents were already been sold and documents have been registered by the same Sub-Registrar as document No.1681/2023. When the agreement was entered in respect of the remaining agricultural land, the same has been refused to be registered. Hence, the impugned order is liable to be set aside.

4. Heard the submissions of the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. The bar contained under Section 22-A is to prevent the massive conversion of the agricultural land and the same cannot be put against all the matters. Only when there is a concrete evidence to show that the agricultural land has been converted as a house site without DTCP approval, such prohibition will come into play. Further, it is relevant to note that the proviso to Section 22-A(2) makes it clear that the house sites, without such permission, may be registered if it is shown that the same house site has been previously registered as house site. In



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the case on hand, in the same survey number 10 cents have already been registered vide document No.1681/2023 and therefore, now there is no bar for registering the sale agreement dated 18.06.2024 presented by the petitioner. 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 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 planning authority concerned. Therefore, bar contained under



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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 order of the 2nd respondent dated 18.06.2024 stands quashed and the 2nd respondent is directed to register the sale agreement dated 18.06.2024 presented by the petitioner, within a period of seven days from the date of receipt of a copy of this Order. There shall be no order as to costs.

15.10.2024

NCC : Yes/No
Index : Yes/No
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N.SATHISH KUMAR, J.

vsm

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