



W.P(MD)No.15659 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.15659 of 2023

and

W.M.P.(MD)No.13142 of 2023

M/s.Shri Dhanalakshmi Spin Tex Private Limited,
Rep. by its Authorised Signatory,
A.Shanmugam

... Petitioner

Vs.

The Sub Registrar,
Idaikal Sub Registrar Office,
Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip in Refusal Number:RFL/Idaikal/30/2023, dated 08.06.2023 issued by the respondent and quash the same as illegal and consequently, to direct the respondent to entertain and register the sale deed dated 08.06.2023 in TP/152197162/2023.

For Petitioner : Mr.K.R.Laxman,
for Mr.R.Prabakar

For Respondent : Mr.P.Subbaraj,
Special Government Pleader



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ORDER

Challenge has been made to the refusal check slip issued by the respondent dated 08.06.2023.

2. According to the petitioner, the petitioner company is operating Wind Mills and has purchased the land in Survey No.96/3D1, Ayikudi Village, Kadayannallur to an extent of 8 cents only to make a convenient enjoyment of the petitioner's land and operation of wind mills. When they presented the same for registration, it was refused by the respondent, vide refusal check slip dated 08.06.2023, stating that the land in question is unapproved layout. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3. This Court is of the view that merely some portion of a land has been purchased, that cannot be construed as house site, as long as no conversion took place. Further, the rights of the party, who purchased the smaller extent of a land for any other purpose, cannot be defeated. This issue was elaborately discussed 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 :



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“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 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.”



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4.In such view of the matter, the impugned refusal check slip issued by the respondent dated 08.06.2023 is quashed. The respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

30.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To
The Sub Registrar,
Idaikal Sub Registrar Office,
Tenkasi District.



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N.SATHISH KUMAR, J

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