



W.P.(MD) No.20550 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.20550 2024

Ahamed Muthafa

...Petitioner

-VS-

1.The District Registrar,
Ramanathapuram District.

2.The Sub-Registrar,
Sub Registrar Office,
Vellipattinam District,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal slip in Refusal No.RFL/Vellipattinam/39/2024 dated 10.08.2024 passed by the 2nd respondent and quash the same consequently direct the 2nd respondent to register the sale deed dated 02.08.2024 presented by the petitioner.

For Petitioner	: Mr.R.Mahendrarajan
For Respondents	: Mr.M.Siddharthan
	Additional Government Pleader



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W.P.(MD) No.20550 of 2024

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent and to direct the second respondent to register the petitioner's sale deed dated 02.08.2024

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner as a power of attorney sold the subject property vide sale deed dated 02.08.2024 to one Shanmugaraja. When the same was presented for registration, the second respondent refused to register the same on the ground that necessary approval from the Country Planning was not obtained.



W.P.(MD) No.20550 of 2024

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4.The learned counsel for the petitioner submits that the property was already registered in the year 2022 itself by the vendor of the petitioner's principal. Therefore, the question of requiring the petitioner to obtain Country Planning approval does not arise at all.

5.Proviso to Section 22(A) (2) Registration Act provides for registration, if it is shown that the same house site has been previously registered as house site. As contended by the petitioner, the property has already been made as house sites by the vendor of the petitioner even in the year 2020. When the law itself does not prohibits such transaction in respect of house sites, which have already been registered as house sites, the authorities cannot insist the petitioner to produce the Country Planning approval once again. It is between the petitioner and the local Panchayat to deal with this issue.

6.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 :



W.P.(MD) No.20550 of 2024

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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.”

In the light of the above settled provision of law, the impugned refusal slip cannot be sustained in the eye of law.



W.P.(MD) No.20550 of 2024

7. Accordingly, this writ petition is allowed and the impugned order passed by the respondent in Refusal Number RFL/Vellipattinam/39/2024, dated 10.08.2024 is quashed. The respondent is directed to register the document of the petitioner dated 02.08.2024 within a period of seven days from the date of receipt of a copy of this order. No costs.

29.08.2024

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

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To:

1. The District Registrar,
Ramanathapuram District.
2. The Sub-Registrar,
Sub Registrar Office,
Vellipattinam District,
Ramanathapuram District.



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W.P.(MD) No.20550 of 2024

N.SATHISH KUMAR, J.

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W.P.(MD) No.20550 of 2024

29.08.2024