



W.P.(MD)No.20648 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20648 of 2024

Esakkiammal

... Petitioner

Vs.

1.The District Registrar (Admin),
District Registrar Office,
Cheranmahadevi,
Tirunelveli District.

2.The Sub Registrar,
Ambasamudram Sub Registrar Office,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to impugned Refusal Check Slip in Refusal Number.RFL/ Ambasamudram /35/2024 dated 23.08.2024 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to register the petitioner's relinquishment deed dated 19.08.2024 in respect of the property in Natham Sy. No.102/70(New Sy.No.102/1), Plot No.813 to the extent of 14.56 cents and 15.02 cents (மீரவின்றி 6ல் 4 பங்கு) at middle and northern side portion out of 2.65 acres situated at Urkadu Village, Ambasamudram Taluk, Tirunelveli District within a stipulated period as farmed as framed by this Court.



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For Petitioner : Mr.A.Sankararamasubramanian
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenge has been made to the refusal slip issued by the second respondent dated 23.08.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The case of the petitioner is that the subject property was purchased by the father of the petitioner vide sale deed dated 06.05.1975. After his demise, the legal heirs have entered into a partition deed, dated 14.03.1997. Thereafter, the petitioner and other legal heirs of petitioner's father, except one sister, have executed a relinquishment deed dated 19.08.2024. When the said deed was presented for registration, the same was refused to be registered on the ground that the petitioner has not obtained any approval and the earlier document with regard to the subject property is pending for adjudication. Challenging the same, the petitioner has filed this writ petition.



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4.The learned counsel for the petitioner submitted that the subject property is the family property. After selling some of the portions in that properties, this subject property has been retained by the family. The power of attorney deed executed by one of the sisters of the petitioner is only pending for adjudication. The document is mentioned as earlier document in the impugned order. Now, the petitioner along with other siblings have executed a relinquishment deed in respect of their share in the subject property. Hence, the refusal made by the second respondent citing Section 22-A of the Registration Act cannot be sustained.

5.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



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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.

6. Accordingly, this writ petition is allowed and the impugned order passed by the second respondent in RFL/Ambasamudram/35/2024 dated



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23.08.2024 is quashed. The respondent is directed to register the document of the petitioner dated 19.08.2024 within a period of seven days from the date of receipt of a copy of this order. No costs.

18.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The District Registrar (Admin),
District Registrar Office,
Cheranmahadevi,
Tirunelveli District.
- 2.The Sub Registrar,
Ambasamudram Sub Registrar Office,
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N.SATHISH KUMAR, J.

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