



W.P(MD)No.21568 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21568 of 2024

Zeenath Banu

rep. by her Power Agent,
S.Syed Abuthahir

... Petitioner

Vs.

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.

2.The Sub Registrar,
Keelakkarai, Ramanathapuram District.

... Respondents

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 pertaining to the impugned refusal check slip in RFL/Keelakkarai/79/2024, dated 02.08.2024 passed by the 2nd respondent and quash the same and consequently, to direct the 2nd respondent to register the sale deed dated 02.08.2024 executed by the petitioner as power agent of Zeenath Banu, wife of Mohamed Ayub in favour of K.S.Lathif, son of Sikkandar.

For Petitioner : Mr.M.Karthick

For Respondents : Mr.M.Siddharthan,

Additional Government Pleader



W.P(MD)No.21568 of 2024

ORDER

WEB COPY

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The petitioner is represented by her power agent, Syed Abuthahir. It is the case of the power agent that his principal, her brothers, sisters and legal heirs of her deceased sister have divided larger extent of 1 acre 91 ½ cents in Survey No.201/2B situated at Keelakkarai Village, Ramanathapuram District, into different portions, in which, middle portion on western side measuring 29.16 cents was allotted to his principal through registered partition deed dated 27.12.2021. At the time of allotment, road has already been formed for convenient enjoyment of the parties. Now, the petitioner indents to sell 10 cents out of 29.16 cents through her power agent to one K.S.Lathif through a sale deed dated 02.08.2024. When they presented the same for registration, the 2nd respondent, vide refusal check slip dated 02.08.2024, has refused to register the same on the ground that the sale deed cannot be registered as it contravenes Section 22A(2) of the Registration Act, 1908. Challenging the same, the petitioner has filed this Writ Petition.

3.At the outset, this Court is of the view that Section 22-A of the Registration Act will apply only if agricultural lands are converted into house



sites. The very object of Section 22-A is only to prevent massive conversion of the agricultural land into house sites without permission. When the persons are having lands in the village and at the time of partition, if any road has been formed for their convenience, it cannot be said that there was a conversion as a house site.

4.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 :

“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



W.P(MD)No.21568 of 2024

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.”

5.In such view of the matter, the impugned refusal check slip issued by the 2nd respondent dated 02.08.2024 is quashed. The 2nd 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.

6.With the above direction, this Writ Petition is allowed. No costs.

11.09.2024

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



W.P(MD)No.21568 of 2024

To

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600 028.

2.The Sub Registrar,
Keelakkarai, Ramanathapuram District.



WEB COPY



W.P(MD)No.21568 of 2024

N.SATHISH KUMAR, J

Yuva

W.P(MD)No.21568 of 2024

11.09.2024