



WP(MD). No.22063 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 13/09/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.22063 of 2024

1. Aathisivan,

2. Vaigai

... Petitioners

Vs

The Sub Registrar,
Checkanurani,
Madurai District.

... Respondent

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondent to receive and register the sale deed dated 30.08.2024.

For Petitioners : M/s. R.G.Shankar Ganesh,

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



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2. The writ petition has been filed for a mandamus directing the respondent to receive and register the sale deed dated 30.08.2024.

3. I have considered the rival submissions and perused the materials available on record.

4. It is the case of the petitioners that in S.No.235 out of 76 cents of land, the petitioners purchased 27 cents by sale deed dated 13.08.2012 from the vendors viz., Murugan and Rajakannan. The remaining portion has been retained by the vendors. The vendor of the petitioners made an attempt to convert the said land as a lay-out and for obtaining lay-out, the petitioners have filed writ petition in WP(MD) No.16158/2022, which has been allowed in their favour. Thereafter, lay out approval has been granted as against which, a contempt application has been filed. During the pendency of the contempt petition, lay out proceedings have been suspended in proceedings No.845/23 dated 07.03.2023. Thereafter the vendors have agreed to convert the said land as punja land to the petitioners. When the petitioners presented the document, the same has not been received by the respondents. Hence, prays for a direction.



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5. I have considered the rival submissions and perused the materials available on record.

6. As the property has not been developed, the same is remaining as punja land, the petitioners have purchased 27 cents in the year 2012 itself, remaining also not been converted and lay-out has also been suspended, there is no bar under law to purchase the property as a punja land. Only when the agricultural lands are converted bar under Section 22A of the Registration Act will arise. If a person keeping the property for any other purpose other than the construction of house, such sale cannot be prohibited under law. This aspect has been held in ***Rajamanickam v. Sub Registrar and also in Subramani v. Sub Registrar and another.***

7. In ***D.Rajamanickam Vs. The Sub Registrar, Salem (West)*** in W.P.No.426 of 2022, 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



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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



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be refused and restraining the owner of such land from using the land for any other purposes other than housing development.”

8. In such view of the matter, the respondent is directed to register the document presented by the petitioners.

9. The writ petition is disposed of with the above direction. No costs.

13.09.2024

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TO

1. The Sub Registrar,
Checkanurani,
Madurai District.



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N.SATHISH KUMAR,J

RR

**ORDER
IN
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