



W.P(MD)No.23820 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23820 of 2024
and W.M.P(MD).No.20164 of 2024

1.Sheela
2.Ferocelin Deva Shahil D
3.Sharmi Mol

... Petitioners

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Colachel,
Kanniyakumari District.

2.The District Registrar (Administration)
Office of the District Registrar,
Kanyakumari 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 related to the impugned refusal check slip vide refusal number: RFL.COLACHEL/46/2024 dated 31.07.2024 issued by the first respondent and quash the same as illegal and consequently direct the first respondent to register the sale deed dated 03.06.2024 executed by the petitioners 1 and 2 in favour of the third petitioner, viz., Sharmi Mol in respect of the schedule of property within a reasonable period to be determined by this Court.



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For Petitioners : Mr.N.Dilipkumar
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Challenging the impugned refusal check slip issued by the first respondent refusing the sale deed dated 03.06.2024 presented by the petitioners 1 and 2, this writ petition has been filed.

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

3. It is the case of the petitioners 1 and 2 that the property in New Survey No.124/12, out of total cents, 18 cents belongs to the first petitioner and 3.640 cents belongs to the second petitioner, which was settled by the first petitioner's husband in their favour vide Doc.Nos.1979 and 1982 of 2020 dated 25.09.2020. Thereafter, the first petitioner intended to sell 4 cents, out of her 18 cents, to the third petitioner in New Survey No.124/12A, which was subdivided from New Survey No.124/12. Similarly, the second petitioner intended to sell 3 cents, out of his 3.640 cents of land, situated in New Survey No.124/12B in favour of the third petitioner. In this regard, when the sale deed



was presented for registration, the same was refused by the first respondent directing the petitioners to get DTCP approval. Aggrieved by the same, the petitioners are before this Court.

4. At the outset, 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 layout 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



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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. That apart, when the petitioner or the villager have the land less than 10 cents, they cannot be insisted to get DTCP approval.

5. Accordingly, this Writ Petition is allowed and the impugned refusal check slip vide refusal number: RFL.COLACHEL/46/2024 dated 31.07.2024 issued by the first respondent is quashed. The first respondent is directed to register the document presented by the petitioners 1 and 2 within a period of seven days from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
Rmk



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To

- 1.The Sub Registrar,
Office of the Sub Registrar,
Colachel,
Kanniyakumari District.
- 2.The District Registrar (Administration)
Office of the District Registrar,
Kanyakumari District.



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N.SATHISH KUMAR, J

Rmk

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