



W.P.(MD)No.23942 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23942 of 2024

and

W.M.P(MD).No.20282 of 2024

M.Palanikumar

. .. Petitioner

Vs.

- 1.The Principal Secretary to the Government,
Commercial Taxes and Registration Department,
Fort ST.George, Chennai 600 009.
- 2.The Inspector General of Registration,
Registration Department,
Santhome High Road,
Raja Annamalaipuram,
Chennai 600 009.
- 3.The District Registrar,
Madurai, Madurai District.
- 4.The Sub Registrar,
Melur West Sub Register Office,
Madurai 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 number in RFL/Melur(West)/19/2024 dated 13.09.2024 on the file of the fourth



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respondent and quash the same as illegal and consequently direct the fourth respondent to register the document for the petitioner's land in S.No.80/2 situated at Karutha Kuliyanpatti, Melur Town, Madurai District without insisting the plan approval from the authorities concerned within the time frame stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Challenging the impugned refusal check slip in RFL/Melur(West)/19/2024 dated 13.09.2024 issued by the fourth respondent, 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. The case of the petitioner is that the subject property originally belonged to his grandfather, namely S.Rathinam Pillai. After his demise, his legal heirs, namely, K.Vellambal, S.Backiyam and R.Manickam, father of the petitioner, inherited the said property. The said K.Vellambal



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and S.Backiyam transferred their share in favour of petitioner's father.

After the demise of petitioner's father, the said property was partitioned between the petitioner and his brothers, who are the legal heirs of said R.Manickam. In this regard, when the document was presented for registration, the same was refused by the fourth respondent on the ground that there is no approval for the said land. Aggrieved by the same, the petitioner is 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 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



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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.

5. Accordingly, this Writ Petition is **allowed** and the impugned refusal number in RFL/Melur(West)/19/2024 dated 13.09.2024 issued by the fourth respondent is quashed. The fourth respondent is directed to register the document presented by the petitioner within a period of



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seven days from the date of receipt of a copy of this Order. No costs.

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Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

NCC : Yes / No

Rmk

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N.SATHISH KUMAR, J.

Rmk

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