



W.P(MD)No.25328 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.25328 of 2022

R.Paramasivam

... Petitioner

Vs.

1. Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2. The District Registrar (Admin),
O/o. District Registrar,
Pudukkottai District.

3. The Sub Registrar,
O/o. Sub Registrar Office,
Gandarvakottai, Pudukkottai 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 relating to the impugned refusal check slip in RFL/Gandarvakottai/27/2022, dated 19.05.2022 issued by the 3rd respondent and quash the same as it is arbitrary and illegal and in consequence to direct him to register the settlement deed dated 19.05.2022, executed by the petitioner in favour of the petitioner's wife Revathi, relates to the site in 1324 sq.ft in S.No.235/7B2A1A in Kovilur Village.

For Petitioner : Mr.R.Suriyanarayanan



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For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

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ORDER

Challenge has been made to the refusal check slip issued by the 3rd respondent dated 19.05.2022.

2.It is the case of the petitioner that he is the owner of the land in S.No.235/7B2A1A situated at Kovilur Village. He executed a settlement deed in respect of the land in question in favour of his wife, namely, Revathi. When the same was presented for registration, the 3rd respondent, vide refusal check slip dated 19.05.2022, rejected the same on the ground that the petitioner has to get approval for the said site. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.It is relevant to note that Section 22-A of the Registration Act will apply only if agricultural lands are converted into house sites. When the persons are holding a lesser extent of the land, which had been derived from their ancestors, such lands cannot be construed as house sites. The very object of Section 22-A is only to prevent massive conversion of the agricultural land into house sites without permission.



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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 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



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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 3rd respondent dated 19.05.2022 is quashed. The 3rd 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.

04.09.2024

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

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- To
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N.SATHISH KUMAR, J

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