



WP(MD). No.25103 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23/10/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.25103 of 2024
and WMP(MD) No.21351 of 2024**

S. John Rose

... Petitioner

Vs

1. The Registrar,
Mukoodao Sub Registration Office,
Mukoodal,
Tirunelveli District..

2. Anandh

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records in the office of the 1st respondent pertaining to the impugned order dated 07.02.2024 in his proceeding refusal Number RFL/Mukoodal/5/2024 quash the same as illegal and direct the respondent to register the sale deed dated 07.02.2024 in respect of the property in 193/2A1C-0.42.91 hectares of Pappakudi Village Mukoodal sub Registry Cheranmahadevi Registration District Tirunelveli District.

For Petitioner : M/s. P. Vadivel
For Respondents : Mr.P.Subburaj for R1
Special Government Pleader



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ORDER

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

2. The writ petition has been filed challenging the refusal slip issued by the 1st respondent dated 07.02.2024 and to direct the 1st respondent to register the sale deed presented by the petitioner.

3. It is the case of the petitioner that the petitioner's vendor purchased the property in the year 2000 and when the property was sought to be purchased as agricultural land for an extent of one acre 4 cents, the impugned order came to be passed on the ground that the adjacent lands have been classified as pathway and hence the property of the petitioner is construed as lay out, which is against Section 22(A)(2) of the Registration Act. Challenging the same, the petitioner is before this Court.

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

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5. It is seen that merely because the adjacent lands have been shown as common pathway, it does not mean that the petitioner's property should be treated as lay out and hence, it cannot be said that the document has been converted.

6. This Court is of the view that merely some portion of a land has been purchased, that cannot be construed as house site, as long as no conversion took place. Further, the rights of the party, who purchased the smaller extent of a land for any other purpose, cannot be defeated. 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



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

7. In such view of the matter, the impugned refusal check slip issued by the 1st respondent dated 07.02.2024 is quashed. The 1st respondent is



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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.

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

Consequently connected Miscellaneous Petition is closed.

23.10.2024

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TTO
The Registrar,
Mukoodal Sub Registration Office,
Mukoodal,
Tirunelveli District..



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N.SATHISH KUMAR,J

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