



W.P(MD)No.26209 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.26209 of 2024

and

W.M.P.(MD)No.22210 of 2024

- 1.Hameed Ahamed Imthiyas
- 2.Aminathu Rahma
- 3.Fathimuthu Hidhaya

Rep. through their power agent
Anees Ahamed

... Petitioners

Vs.

- 1.The District Registrar,
Ramanathapuram District, Ramanathapuram.
- 2.The Sub Registrar,
Keelakarai Sub Registrar Office,
Keelakarai, Keelakarai Taluk,
Ramanathapuram 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/Kilakarai/137/2024, dated 24.09.2024 on the file of the 2nd respondent and to quash the same as illegal, unjust and unconstitutional and consequently, to direct the 2nd respondent to register the petitioners' settlement deed dated 24.09.2024 and release the same.



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For Petitioners : Mr.S.A.Ajmalkhan

For Respondents : Mr.M.Siddharthan,

Additional Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.According to the petitioners, when they presented the sale deed dated 24.09.2024, the 2nd respondent, vide refusal check slip dated 24.09.2024, refused to register the same on the ground that the sale deed cannot be registered as it contravenes Section 22A(2) of the Registration Act, 1908. Challenging the same, the petitioners have filed this Writ Petition.

3.At the outset, this Court is of the view that Section 22-A of the Registration Act will apply only if agricultural lands are converted into house sites. The very object of Section 22-A is only to prevent massive conversion of the agricultural land into house sites without permission. Merely because the remaining land retained by the owners has become lessor area and larger area has already been sold, it cannot be construed that there was a lay out framed.



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 planning authority concerned. Therefore, bar contained under



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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 2nd respondent dated 24.09.2024 is quashed. The 2nd respondent is directed to register the document presented by the petitioners 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. Consequently, connected miscellaneous petition is closed.

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

Yuva

Note: Registry is directed to return the original impugned order to the petitioner, after obtaining xerox copy of the same.



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WEB COPY

To

- 1.The District Registrar,
Ramanathapuram District, Ramanathapuram.
- 2.The Sub Registrar,
Keelakarai Sub Registrar Office,
Keelakarai, Keelakarai Taluk,
Ramanathapuram District.



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N.SATHISH KUMAR, J

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