



W.P(MD)No.24855 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.24855 of 2023

Mr.B.Senthil Kumar

... Petitioner

Vs.

1.The Secretary,
Commercial Taxes and Registration Department,
Tamil Nadu Government,
Chennai-600 009.

2.The Deputy Inspector General of Registration,
Integrated Registry Campus,
TNAU, Nagar,
Rajagambhiram

3.The District Registrar,
No.58/1, Court Road,
Virudhunagar,
Madurai-626 001.

4.The Sub-Registrar,
Sub Registrar Office,
Thiruchuli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the order of the fourth respondent dated 16.08.2023 and quash the same void and illegal.



For Petitioners : Mr.B.Charmurugan
For R1 to R4 : Mr.M.Sidharthan,
Additional Government Pleader

ORDER

Challenge has been made to the refusal check slip issued by the fourth respondent dated 16.08.2023.

2.According to the petitioner, he has purchased the land in Survey No.227/3, Reddiyapatty in Mandapasalai Village, to an extent of 56 cents. When they presented the same for registration, it was refused by the fourth respondent, vide refusal check slip dated 16.08.2023, stating that already a part of land has been sold. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.Heard the learned counsel on either side,

4.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 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



W.P(MD)No.24855 of 2023

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 order passed by the fourth respondent is hereby quashed. This Writ Petition is allowed with a direction to the fourth respondent 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. No costs.

01.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

- 1.The Secretary,
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Tamil Nadu Government,
Chennai-600 009.
- 2.The Deputy Inspector General of Registration,
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TNAU, Nagar,
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N.SATHISH KUMAR, J

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