



W.P(MD)No.24812 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24812 of 2024

and

W.M.P.(MD)No.21141 of 2024

K.Muthuselvam

... 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)/20/2024 dated 30.09.2024 on the file of the respondent no. 4 and quash the same as illegal and consequently direct the respondent no. 4 to



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register the document for the petitioner's land in S.No. 172/5, 172/6A in an extent of 4.21 cent situated at Melur Town, Melur Taluk, Madurai District without insisting the plan approval from the authorities concerned within a time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the fourth respondent dated 30.09.2024 and to direct the fourth respondent to register the document of the petitioner.

2.Mr.P.Subbaraj, learned Special Government Pleader, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.It is the grievance of the petitioner that the petitioner has purchased the subject property vide document No.2711/2021. In respect of that property, the petitioner has executed a sale deed and presented the same for registration. However, the said deed was refused to be registered on the ground that there is no approval and a new road has been formed.



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4.The learned counsel for the petitioner specifically contended that the property is less than 10 cents and for that purpose approval is not required. Further, the petitioner intends to sell the land only as an agricultural land. He never intended to sell the same as house site. Hence, he seeks a direction.

5.The issue raised in this writ petition is no longer *res integra*, in view of the judgment rendered by this Court in the case of ***Subramani vs. the Sub Registrar and others*** [WP.No.11056 of 2024, dated 26.04.2024], wherein this Court has held as follows:

“23. Similarly, this Court has also come across various instances of refusal of documents citing that road has been formed in the particular survey number; therefore, it should be treated as house sites, even though the agricultural land is sought to be transferred. This Court is of the view that merely because some portion of the land in particular survey number sold as house sites earlier; when the remaining land remained as an agricultural land and no layout has been formed in the survey number with the approval of the competent authorities, merely because some portion of the land is sold earlier as house sites, there is no bar for registering agricultural lands.”

6.Further, the refusal made by the fourth respondent citing Section 22-A of the Registration Act cannot be sustained. 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 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*



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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.

7. Accordingly, this writ petition is allowed and the impugned order passed by the fourth respondent in RFL/Melur (west)/20/2024 dated 30.09.2024 is quashed. The fourth respondent is directed to register the document of the petitioner within a period of seven days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

21.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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