



W.P.(MD)No.24752 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24752 of 2024

Jeyamari

. . . Petitioner

Vs.

1.The District Registrar, (Admin),
District Registrar Office,
Cheranmahadevi,
Tirunelveli District.

2.The Sub Registrar,
Kadayam Sub Registrar Office,
Tenkasi 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 check slip in Refusal Number:RFL/Kadayam/61/2024 dated 04.10.2024 was issued by the second respondent and quash the same as illegal and consequently direct the second respondent to register the petitioner's sale deed dated 04.10.2024 in respect of the land in S.No.870/2F to the extent of 0.03.50 hectares, S.No.870/2H to the extent of 0.12.50 hectares, S.No.870/2D to the extent of 0.04.0 hectares and 870/2E (common Well) situated at Kaanavur, Thoranamalai Main Road, Kadayam Perumpathu Panchayat,



W.P.(MD)No.24752 of 2024

Kadayam Sub Registration Circle, Cheranmahadevi Registration District
within a stipulated period as framed by this Court.

For Petitioner : Mr.A.Sankararamasubramanian
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Mr.C.Satheesh, learned Government Advocate, takes notice on behalf of the respondents.

2. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. Challenging the impugned refusal check slip dated 04.10.2024 issued by the second respondent refusing to register the document submitted by the petitioner, this writ petition has been filed.

4. It is the case of the petitioner that when the presented the document in respect of the property in in S.No.870/2F to the extent of 0.03.50 hectares, S.No.870/2H to the extent of 0.12.50 hectares, S.No. 870/2D to the extent of 0.04.0 hectares and 870/2E (common Well)



W.P.(MD)No.24752 of 2024

WEB COPY

situated at Kaanavur, Thoranamalai Main Road, Kadayam Perumpathu Panchayat, Kadayam Sub Registration Circle, Cheranmahadevi Registration District, for registration before the second respondent, the same was refused by register on the ground that road has been created in the said property and DTCP approval has not been produced. It is the contention of the petitioner that his vendor has purchased the said property in the same manner. That apart, there is no change of the property and the property was sold as it is purchased by the petitioner's vendor. Hence, seeks direction.

5. Heard both sides and perused the entire materials available on record.

6. A perusal of the title deed indicates that road was already available and the sale deed executed in favour of the petitioner mentions the character of land as an agricultural land. Hence, the registering authority cannot have any objection. The petitioner however is restrained from putting up any construction in the land purchased by him without getting approval from the competent authority. In other words, he can use land for agricultural purposes, but he can develop it only in



W.P.(MD)No.24752 of 2024

accordance with law.

WEB COPY

7. 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



WEB COPY



W.P.(MD)No.24752 of 2024

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.”

In the light of the above settled provision of law, the impugned refusal slip cannot be sustained in the eye of law.

8. Accordingly, this Writ Petition is allowed and the impugned Refusal Check Slip dated 04.10.2024 of the second respondent is quashed and the second respondent is directed to register the sale deed dated 04.10.2024 presented by the petitioner within a period of seven days from the date of receipt of a copy of this Order. No costs.

22.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



WEB COPY



W.P.(MD)No.24752 of 2024

N.SATHISH KUMAR, J.

Rmk

To

- 1.The District Registrar, (Admin),
District Registrar Office,
Cheranmahadevi,
Tirunelveli District.
- 2.The Sub Registrar,
Kadayam Sub Registrar Office,
Tenkasi District.

W.P.(MD)No.24752 of 2024

22.10.2024