



WP(MD). No.25225 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.25225 of 2024

R. Rukmani

... Petitioner

Vs

1. The District Registrar,
District Registrar Office,
Thoothukudi.

2. The Sub Registrar,
Melur Thoothukudi Registration Office,
Thoothukudi District.

... 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 relating to the impugned check slip order passed by the 2nd respondent dated 24.09.2024 in RFL/Melur Thoothukudi/123/2024 and quash the same and consequently direct the 2nd respondent to forthwith register the settlement deed dated 24.09.2024 without insisting on production of any DTCP approval within a time stipulated by this Court.



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For Petitioner : Mr.G.Mohankumar
For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

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 of the 2nd respondent dated 24.09.2024 and direct the 2nd respondent to register the sale deed.

3. According to the petitioner, the petitioner presented a settlement deed for registration in favour of his grandson, which was refused to be registered on the ground that the document presented for registration is against Section 22(A) of the Registration Act. Therefore, challenging the same, the petitioner has filed this Writ Petition.

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



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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 mater 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



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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.”

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 petitioner 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.

23.10.2024

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N.SATHISH KUMAR,J

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