



W.P(MD)No.25253 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.25253 of 2024

Kamilathin Fathima

... Petitioner

Vs.

1.The District Registrar,
Tenkasi District, Tenkasi.

2.The Sub Registrar,
Kadayam Sub Registrar Office,
Kadayam, 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 relating to the impugned refusal check slip of the 2nd respondent made in Refusal Number:RFL/Kadayam/58/2024, dated 01.10.2024 and quash the same as illegal and consequently, to direct the 2nd respondent to register the sale deed dated 26.09.2024 relating to the registration of the land comprised in S.No.145/1A1A1B of Pottalpudur Village, Tenkasi Taluk, Tenkasi District lying within the Registration Sub-District of Kadayam and Registration District of Cheranmahadevi.

For Petitioner : Mr.D.Srinivasaragavan

For Respondents : Mr.P.Subbaraj,

Special Government Pleader



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W.P(MD)No.25253 of 2024

ORDER

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

2.It is the grievance of the petitioner that when she presented the sale deed dated 26.09.2024, which is executed by her in favour of three persons in respect of the land in S.No.145/1A1A1B to an extent of 7.50 cents situated at Pottalpudur Village, for registration, the 2nd respondent, vide refusal check slip dated 01.10.2024, has refused the same, stating that the land in question is unapproved layout. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.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 :



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“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 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.”



W.P(MD)No.25253 of 2024

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4. In such view of the matter, the impugned refusal check slip issued by the 2nd respondent 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.

5. With the above direction, this Writ Petition is allowed. No costs.

24.10.2024

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

Yuva

To

1. The District Registrar,
Tenkasi District, Tenkasi.

2. The Sub Registrar,
Kadayam Sub Registrar Office,
Kadayam, Tenkasi District.



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W.P(MD)No.25253 of 2024

N.SATHISH KUMAR, J

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