



W.P.(MD)Nos.25542 and 25543 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.25542 and 25543 of 2024

Siranjeevi
Mahendran

... Petitioner in W.P.(MD)No.25542/2024
... Petitioner in W.P.(MD)No.25543/2024

Vs.

1.The District Registrar,
O/o.The District Registrar Office,
Tamil University Post,
Thanjavur District.

2.The Sub Registrar,
O/o.the Sub Registrar Office,
Thiruvaiyaru,
Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

COMMON PRAYER: Writ Petitions 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 original refusal check slip passed by the second respondent vide his proceedings in RFL/Thiruvaiyaru /91 and 92/2024, respectively, dated 24.09.2024 and quash the same as illegal and directing the second respondent to register the sale deed without DTCP approval under IGR circular No.52889/C.1/2019 bearing survey number 34/4A2A2A situated at



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Kalyanapuram first sethi revenue village, Thiruvaiyaru Taluk, Thanjavur District and its original guideline value Rs.2160 per square meter.

In both petitions:

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

COMMON ORDER

These writ petitions have been filed challenging the refusal check slips issued by the second respondent vide his proceedings in RFL/Thiruvaiyaru /91 and 92/2024, respectively dated 24.09.2024.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader for the respondents and perused the materials placed on record.

3.It is the grievance of the petitioners in both writ petitions that the petitioners have purchased an extent of 134 square meter each in Survey No. 33/4A2A2A at Kalayanpuram 1st Sethi Revenue Village, Thiruvaiyaru Taluk. The petitioners presented the sale deed dated 08.02.2021 for registration.



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However, the same was refused to be registered on the ground that there is no approval.

4.The learned counsel for the petitioners specifically contended that the petitioners purchased small extent of land as a house site plots and the documents with regard to the adjacent property of the petitioners have been registered. However, the documents of the petitioners have been refused to be registered for want of approval.

5.The refusal made by the second 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 mater as the layout was formed in 2020 and several plots had already been*



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*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.”*

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



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6. Accordingly, these writ petitions are allowed and the impugned orders passed by the second respondent in RFL/Thiruvaiyaru/91 and 92 /2024 dated 24.09.2024, respectively are quashed. The second respondent is directed to register the documents of the petitioners within a period of seven days from the date of receipt of a copy of this order. No costs.

29.10.2024

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

1. The District Registrar,
O/o. The District Registrar Office,
Tamil University Post,
Thanjavur District.

2. The Sub Registrar,
O/o. the Sub Registrar Office,
Thiruvaiyaru,
Thiruvaiyaru Taluk,
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N.SATHISH KUMAR, J.

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