



W.P.(MD)No.25475 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25475 of 2024

K.Paranthaman

... Petitioner

Vs.

The Sub Registrar,
Cholavanthan,
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip in RFL/Cholavanthan/26/2024 dated 10.10.2024 on the file of the respondent herein and to quash the same as arbitrary and illegal and consequently to direct the respondent herein to register the settlement deed dated 10.10.2024 presented by the petitioner within a stipulated period of time to be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu
For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition is filed challenging the refusal check slip issued by the respondent dated 10.10.2024 and to direct the respondent to register the



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settlement deed dated 10.10.2024 presented by the petitioner within a stipulated period of time to be fixed by this Court.

2.Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The case of the petitioner is that the petitioner and his siblings have purchased the petition mentioned properties by way of a sale deed dated 24.11.2021. They have partitioned the same as per the award passed in the suit filed for partition. With respect to the property allotted to the petitioner, he executed a settlement deed in favour of his son. When the petitioner presented the said deed for registration, the same was refused to be registered citing Section 22-A of the Registration Act.

5.The learned counsel for the petitioner submits that the subject property property is less than 10 cents and for that purpose approval is not required. Further, the subject property cannot be considered as division of plots and sale



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of plots and it is only a partition of land made among the family members of the petitioner. For such properties, the question of getting approval under Section 22-A of the Act will not arise at all. Hence, he seeks a direction to register the document presented by the petitioner.

6.The issue involved in this writ petition 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 :

“14. Thus, the provision contained in Section 22-A of the Registration Act, 1908 cannot be interpreted to mean that it totally restricts the sale of the property retained by the owner of an unapproved layout. At the most such restriction could be applied only in respect of the sale of such land as house site for the purpose of construction without the permission for development of such land from planning authority concerned. Therefore, in the case of sale of such land for any other purpose other than housing development, in the considered view of this court registration cannot be refused.

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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



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*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.”*

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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7. Accordingly, this writ petition is allowed and the impugned order passed by the respondent in RFL/Cholavanthan/26/2024 dated 10.10.2024 is quashed. The 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.

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NCC:yes/no
Index:yes/no
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To

The Sub Registrar,
Cholavanthan,
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N.SATHISH KUMAR, J.

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