



W.P.(MD)No.25798 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **29.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25798 of 2024

and

W.M.P(MD).Nos.21990 and 21992 of 2024

- 1.M.Ganesan
 - 2.G.Selvam Sudanthirakani
 - 3.T.Backiyaraj
 - 4.T.Kumar
 - 5.S.Santhal
 - 6.Manikandan
 - 7.Mariya Pushpam
 - 8.E.Esakki Muthu
 - 9.M.Benitta
 - 10.A.Thanga Lakshmi
 - 11.J.Pethururaja
 - 12.M.Gokila
 - 13.J.Poulsan
 - 14.S.Selvi
 - 15.Arul Sebastian
- ... Petitioners

Vs.



W.P.(MD)No.25798 of 2024

The Sub Registrar,
Kadayam Sub Registrar Officer,
Tenkasi District.

... Respondent

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 of the impugned refusal order dated 03.10.2024 on the file of the respondent vide proceeding in Refusal No.RFL/Kadayam/60/2024 and quash the same and further directing the respondent to register the petitioner's partition deed dated 03.10.2024 in respect of the property bearing Ayan Punjai S.No.406/1A1A, Kadayam, Perumpathu Part II Village, Tenkasi District.

For Petitioners : Mr.I.Roberty Chandra Kumar

For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenge has been made to the impugned refusal check slip issued by the respondent.

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



W.P.(MD)No.25798 of 2024

3. The case of the petitioners is that they jointly purchased the property in Ayan Punjai S.No.406/1, Kadayam Perumpathu Part II Village, Tenkasi District, to an extent of 1 acre 37.50 cents, from one Sivakumar. Subsequently, they divided the said property and in this regard, when the partition deed was presented for registration, the respondent refused to register the same on the ground that DTCP approval is required. Challenging the same, the petitioner is before this Court.

4. Heard both sides and perused the materials available on record.

5. At the outset, the impugned order passed by the respondent cannot be sustained in the eye of law. Only when the large conversion of agricultural land had taken place, Section 22A of the Registration Act will apply. Merely, dividing the property purchased by the joint owners, a bar contained under Section 22A of the Registration Act cannot be applied mechanically.



W.P.(MD)No.25798 of 2024

6. It is relevant to note that in the case of **D.Rajamanickam Vs.**

The Sub Registrar, Salem (West) in W.P.No.426 of 2022, it 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 any other land as unapproved house sites without the permission for development of such land from planning



WEB COPY



W.P.(MD)No.25798 of 2024

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.”

7. Accordingly, the impugned refusal check slip issued by the respondent in Refusal No.RFL/Kadayam/60/2024, dated 03.10.2024 is hereby quashed the this Writ Petition is **allowed**. The respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.10.2024
(2/2)

Index : Yes / No
NCC : Yes / No
Rmk

To
The Sub Registrar,
Kadayam Sub Registrar Officer,
Tenkasi District.



WEB COPY



W.P.(MD)No.25798 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P.(MD)No.25798 of 2024

**29.10.2024
(2/2)**