



W.P.(MD).No.25911 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)No.25911 of 2024
and W.M.P(MD).No.21978 of 2024

M.Gandhi Selwyn

... Petitioner

Vs.

1.The District Registrar,
O/oThe District Registrar Office,
Tenkasi, Tenkasi District.

2.The Sub Registrar,
O/o.The Sub Registrar Office,
Alangulam, 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 issued by the second respondent in his proceedings in No.RFL/Alangulam/43/2024 dated 18.10.2024 and quash the same as illegal and consequently to direct the second respondent to register the gift deed presented by the petitioner in temporary No.TP/198007223/2024 dated 18.10.2024 within a period that may be stipulated by this Court.

For Petitioner : Mr.V.Karthikraja
for M/s.Ajmal Associates
For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

Mr.P.Subbaraj, learned Special Government Pleader, accepts notice on behalf of the respondents.

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

3. The case of the petitioner is that he purchased the subject land from one P.Murugesan and in this regard, when the document was presented for registration before the second respondent, the same was refused vide impugned order dated 18.10.2024 stating that DTCP approval is required.

4. At the outset, the impugned order cannot be sustained in the eye of law and it is nothing but clear non-application of mind. When the large extent of agricultural land has not been converted, the question of unauthorised layout does not arise at all. 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 :



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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



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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. Accordingly, this Writ Petition is **allowed** and the impugned refusal check slip in No.RFL/Alangulam/43/2024 dated 18.10.2024 issued by the second respondent is quashed. The second respondent is directed to register the document presented by the petitioner within a period of seven days from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is closed.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

1.The District Registrar,
O/oThe District Registrar Office,
Tenkasi, Tenkasi District.

2.The Sub Registrar,
O/o.The Sub Registrar Office,
Alangulam, Tenkasi District.

N.SATHISH KUMAR, J.



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