



W.P.(MD)No.26063 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.26063 of 2024

V.Palani

... Petitioner

Vs.

1.The District Registrar (Admin),
District Registrar Office,
Tirunelveli, Tirunelveli District.

2.The Sub Registrar,
Nanguneri Sub Registrar Office,
Tirunelveli 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 pertaining to the impugned refusal check slip in refusal number RFL/Nanguneri/49/2024 dated 18.10.2024 was issued by the second respondent and quash the same as illegal and consequently directing the second respondent to register the sale deed dated 18.10.2024 in respect of the properties in Ayan Punja Old Survey No. 446/1A (New S.No.446/1A1C) to the extent of 29.82 cents out of 2.74 acres and in Ayan Punja Old S.No.446/1A (new S.No.446/1A1B) to the extent of 26.56 cents out of 2.74 acres situated at Nanguneri Village



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(South), Nanguneri Taluk, Tirunelveli District within a stipulated period as framed by this Court.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

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

2. The case of the petitioner is that the property in question was purchased by the petitioner from one Murugan vide sale deed dated 18.10.2024. When the document was presented for registration before the second respondent, the same was refused by register on the ground that DTCP approval is required. Hence, the petitioner is before this Court.

3. 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 and registration cannot be refused and restraining the owner of



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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.

4. Accordingly, this Writ Petition is **allowed** and the impugned refusal check slip in RFL/Nanguneri/49/2024, dated 18.10.2024, issued by the second respondent is quashed and the second respondent is directed to register the sale deed dated 18.10.2024 presented by the petitioner within a period of seven days from the date of receipt of a copy of this Order. No costs.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



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To

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N.SATHISH KUMAR, J.

Rmk

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