



W.P.(MD)No.25980 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25980 of 2024

Ahamed Fazlullah Askalani

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.the Inspector General of Registration,
NO.100, Santhome High Road,
Foreshore Estate, Chennai-600 028.

2.The District Registrar,
O/o.the District Registrar,
Registration Department,
Palayamkottai, Tirunelveli District.

3.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
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 relating to the impugned refusal check slip in Refusal number: RFL/Melapalayam /145/2024 dated 22.10.2024 issued by the respondent No.3 and quash the same as illegal, consequently directing the third respondent to register the sale deed dated 21.10.2024 presented by the petitioner.



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For Petitioner : Mr.A.Abdul Kabur
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the third respondent vide proceedings in RFL/Melapalayam /145/2024 dated 22.10.2024.

2.Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner purchased a house site in the year 2023 by way of a registered sale deed in Document No.139 of 2023 and constructed a house therein after obtaining necessary building plan approval. Thereafter, the petitioner intended to sell the said property and the presented the sale deed for registration before the third respondent. However, the same was refused to be registered on the ground that there was no approval for the house site.



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4.Considering facts and circumstances of the case, this Court is of the view that the order passed by the respondent cannot be sustained in the eye of law. When the building permission was already obtained by the petitioner from the authorities concerned and the building is also constructed as per the said plan, no separate plan is required for the vacant site. Such being the matter, the bar containing under Section 22-A of the Registration Act will not apply to the facts of the present case.

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 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



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*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.

6. Accordingly, this writ petition is allowed and the impugned order passed by the third respondent in RFL/Melapalayam /145/2024 dated 22.10.2024, is quashed. The third respondent is directed to register the



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document of the petitioner within a period of seven days from the date of receipt of a copy of this order. No costs.

30.10.2024

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

- 1.The Inspector General of Registration,
O/o.the Inspector General of Registration,
NO.100, Santhome High Road,
Foreshore Estate,
Chennai-600 028.
- 2.The District Registrar,
O/o.the District Registrar,
Registration Department,
Palayamkottai,
Tirunelveli District.
- 3.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli District.



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N.SATHISH KUMAR, J.

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