



WP(MD). No.25049 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 16/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.25049 of 2023

M.Rajendran

... Petitioner

Vs

1. The District Registrar,
Dindigul,
Dindigul District..

2. The Sub-Registrar,
Sanarpatti,
Dindigul District.

3.M.Ranjith

... Respondents

(3rd respondent is impleaded as
per the order of this Court dated 16.10.2024
in WMP(MD) No.1374/2024)

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 proceedings of the 2nd respondent in Refusal Check Slip in RFL/Sanarpatty/28/2023 dated 09.10.2023 and quash the same and further directing the 2nd respondent



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to entertain the sale deed dated 12.09.2023 for registration and consequently to register and release the same.

For Petitioner : Mr.M.P.Senthil,

For Respondent : Mr.C.Satheesh
Government Advocate for R1&R2

Mr.M.Mohanasundaram for R3

ORDER

The writ petition has been filed challenging the impugned refusal slip issued by the 2nd respondent dated 09.10.2023 and to direct the 2nd respondent to entertain the sale deed dated 12.09.2023 for registration and consequently to register and release the same.

2. It is the case of the petitioner that he has originally purchased the land for an extent of 1 acre and 17 cents and made as house sites and sold 48 cents of house sites earlier. However, as the entire house sites have not been approved, he could not get approval. Therefore, the petitioner dropped the same and now he intends to sell the property as agricultural lands. Pursuant to the same, when he presented the document, the same was refused to be registered citing that earlier plots



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have been sold.

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3. I have considered the rival submissions and perused the materials available on record.

4. According to the impleading respondent, the property originally belong to the petitioner's ancestors and patta No.101 and 106 has been issued to him vide a registered sale deed in Doc.No.1035/1960 dated 09.05.1960. However, several documents have been created from the year 2010. Therefore, according to them, they have every right in the property.

5. I have considered the rival submissions and perused the materials available on record.

6. As far as the submissions with regard to proposed party is concerned, he is trying to establish the title before a writ Court in writ proceedings. He relies only on the revenue records of the year 1979, where several documents have been executed in respect of some survey



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numbers from the year 2010, however, no action has been taken so far and no suit has been filed to set aside the document. It is his contention that he has acquired knowledge only in the year 2021, ie., on 07.09.2021. Even assuming it is to be true that they had acquired knowledge only on 07.09.2021, he ought to have filed a suit within a period of three years, which is also not done. Therefore, at this stage, the impleading respondent cannot make an attempt to establish title in a writ petition, which has been filed by the petitioner herein.

7. Be that as it may. Now with regard to the refusal slip is concerned, it is the specific case of the petitioner that the unapproved lay outs have not been regularised and the property sought to be sold as agricultural lands and when the same is sought to be sold as agricultural lands, refusal slip has been issued.

8. In this regard, in ***D.Rajamanickam Vs. The Sub Registrar, Salem (West)*** in W.P.No.426 of 2022, 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



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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



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be refused and restraining the owner of such land from using the land for any other purposes other than housing development.”

9. Considering the said position of law, the writ petition is allowed and the impugned order stands quashed. The 2nd respondent is directed to register the document. No costs.

16.10.2024

RR

TO

1. The District Registrar,
Dindigul,
Dindigul District..

2. The Sub-Registrar,
Sanarpatti,
Dindigul District..



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N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.25049 of 2023**

Date : 16/10/2024