



W.P.No.1183 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.1183 of 2025

S.Jambunathan Sivan

...Petitioner

Vs

The Sub-Registrar
Office of the Sub-Registrar,
Marakkanam
Tindivanam Taluk,
Villupuram District.

...Respondent

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus, calling for the entire records relating to the Refusal Check Slip dated 20.12.2024 in RFL/Marakkanam/14/2024 issued by the respondent herein and quash the same and consequently direct the respondent to register the gift deed dated 20.12.2024 executed in favour of the petitioner on representation within a time frame to be stipulated by this Court.

For Petitioner : M/s.C.Munusamy

For Respondent : Mr.B.Vijay

Additional Government Pleader



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ORDER

The Writ Petition has been filed for the following reliefs:-

To call for the entire records relating to the Refusal Check Slip dated 20.12.2024 in RFL/Marakkanam/14/2024 issued by the respondent herein and quash the same and consequently direct the respondent to register the gift deed dated 20.12.2024 executed in favour of the petitioner on representation within a time frame to be stipulated by this Court.

2.The case of the petitioner is that property in S.No.266 (old No.211) situated in Marakkanam Village, Tindivanam Taluk, Villupuram District to an extent of one acre and sixty cents has been purchased by one R.Gayathri by way of a registered sale deed vide Document No.3378 dated 30.09.2015 on the file of the Sub-Registrar, Marakkanam and patta was also issued bearing No.2277. The said Gayathri intended to gift the said property in favour of the petitioner and also presented the gift deed before the respondent. However, the respondent refused to register the document. Aggrieved, petitioner is before this Court.



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WEB COPY 3.Heard the learned counsels on either side. Mr.B.Vijay the learned Additional Government Pleader takes notice on behalf of the sole respondent.

4.Mr.B.Vijay, the learned Additional Government Pleader for the respondent would produce the communication sent by the Sub-Registrar to him in which it has been stated that a portion of the lands in the very same survey number has been plotted out into a layout. The layout however is un-approved and this is evident from the fact that the properties had been described as plot numbers. Therefore, he would submit that the property now subject matter of the Writ Petition is also comprised in the very same survey number and therefore the refusal to register has to be upheld.

5.This Court in the judgment in ***W.P.No.426 of 2022 D.Rajamanickam Vs. The Sub-Registrar, Salem***, had discussed the effect of Section 22-A (2) with its explanations and provisos. The learned Judge had observed that the provision does not totally restrict the sale of property situate in an unapproved layout. The restrictions can be applied



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only where the sale of land is in the form of house site. The learned Judge has also taken note of a clarification issued by the Government of Tamil Nadu in the letter issued by the Commercial Taxes and Registration (J2) Department, under reference letter No.359/J2/2020-1, dated 16.03.2020, to the letter addressed by the Inspector General of Registration dated 03.01.2020, wherein the meaning of a layout has been clarified as (i) division of lands into plots exceeding (eight) numbers in Chennai Metropolitan Planning Area; ii) division of land into plots by introducing a new road or street in the Chennai Metropolitan Area. Ultimately, the learned Judge had gone on to state that the Section 22 A cannot be applied in a mechanical fashion. In the instant case also the refusal check slip has been issued only on the ground that adjacent lands had been formed into a house site. Therefore, the Writ Petition is allowed and the impugned order dated 20.12.2024 in Refusal Check Slip in RFL/Marakkanam/14/2024 is set aside. The respondent is directed to register the gift deed within a period of two weeks from the date of receipt of copy of this order. No costs.

21.01.2025

Index : Yes/No
Internet : Yes/No



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Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To
The Sub-Registrar
Office of the Sub-Registrar,
Marakkanam
Tindivanam Taluk,
Villupuram District.

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