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W.P.No.20923 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.20923 of 2025

S.Soodamani

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Dharmapuri District.

2.The Sub-Registrar,
Dharmapuri West,
Dharmapuri District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 13.05.2025 made in refusal check slip in RFL/Dharmapuri West/52/2025 issued by the second respondent quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the second respondent to register the sale deed dated 13.05.2025 (No.TP/218578301/2025) presented by the petitioner.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.Abishek Murthy,
Government Advocate



W.P.No.20923 of 2025

WEB COPY

ORDER

This writ petition has been filed to call for the records relating to the impugned proceedings dated 13.05.2025 made in refusal check slip in RFL/Dharmapuri West/52/2025 issued by the second respondent quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the second respondent to register the sale deed dated 13.05.2025 (No.TP/218578301/2025) presented by the petitioner.

2. Mr.Abishek Murthy, learned Government Advocate takes notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Learned counsel for the petitioner would submit that the petitioner presented the sale deed for registration before the respondents. However, the second respondent refused to register the same, asking the petitioner to produce no objection certificate from the concern authority for the land in Survey No.207/2C is not included in the house site layout or the land is not allotted for common purpose.



W.P.No.20923 of 2025

4. He would further submit that the subject land is neither a plot nor a public utility land. It is an agricultural land and since the petitioner has already own 6.5 acres of land adjacent to the subject land, the petitioner purchased another 8.5 cents of land in order to use the same as private pathway.

5. Learned Government Advocate appearing for the respondents would submit that after the purchase of 8.5 cents of land, the petitioner formed a new road in the said land. In the event of forming the road in the said land, they cannot register the same and it would be considered as plots. Therefore, bar under Section 22A of the Registration Act, 1908 will come into picture.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In the present case, the second respondent refused to register the sale deed, asking the petitioner to produce no objection certificate from the concern authority for the land in Survey No.207/2C is not included in the house site layout or the land is not allotted for common purpose,



W.P.No.20923 of 2025

since the petitioner has formed new roads in the subject land, subsequent to the purchase. In the event, he is forming the road with an intention to making it as plots, then certainly, he has to get approval from the authorities concerned. At this juncture, it is pertinent to extract Section 22-A(2) of the Registration Act, 1908 and the same reads as follows:

22-A-Refusal to register certain documents.-

Notwithstanding anything that contained in the Act, the registering officer shall refuse to register any of the following documents, namely:-

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site."

The reading of the above section shows that in the event the transfer of ownership of the land converted as house sites without the permission for development of such land from planning authority, there will be a bar under Section 22A(2) of the Registration Act, 1908. Therefore, it is crystal clear as cloudsless sky, that, in the event, the land is purchased for the purpose of converting the same into layouts, the bar



W.P.No.20923 of 2025

under Section 22A(2) of the Registration Act, 1908 would apply.

However, in the present case on hand, the petitioner purchased the land for the purpose of creating a private pathway for his own agricultural land. Therefore, the bar under Section 22A(2) of the Registration Act, 1908 will not apply. Hence, this Court finds serious fault on the decision taking process on the part of the second respondent, while passing the impugned order.

8. In view of the foregoing reason, the impugned order passed by the second respondent in RFL/Dharmapuri West/52/2025 dated 13.05.2025 is not sustainable and the same is liable to be set aside. Accordingly, the said order is set aside. Consequently, this Court directs the second respondent to register the sale deed dated 13.05.2025, immediately upon the re-presentation of the same by the petitioner.

With the above observation and direction, this writ petition stands disposed of. No costs.

30.10.2025

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order



WEB COPY



W.P.No.20923 of 2025

KRISHNAN RAMASAMY, J.

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To

- 1.The District Registrar,
District Registrar Office,
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Dharmapuri West,
Dharmapuri District.

W.P.No.20923 of 2025

30.10.2025