

W.A.(MD)No.386 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.386 of 2023

1.Kasirajan
2.K.Ganesan

... Appellants

Vs.

The Sub Registrar,
Thamaraipatti (E) Chittampatti-
Sub Registrar Office,
Madurai District.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order of this Court in W.P.(MD)No.29402 of 2024 dated 09.12.2024.

For Appellants	:Mr.N.Dilip Kumar for Mr.V.Kishore Kumar
For Respondent	:Mr.R.Suresh Kumar Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This Writ Appeal is filed by the petitioner in the writ petition challenging the order passed in W.P.(MD)No.29402 of 2024 dated 09.12.2024.



W.A.(MD)No.386 of 2025

WEB COPY

2.The writ petitioners have filed the writ petition challenging the refusal check slip issued by the respondent on the ground that the plots are unapproved plots and there is a bar under Section 22-A of the Registration Act. The said writ petition was dismissed confirming the order of the respondent. Challenging the same, the writ petitioners have filed the present writ appeal.

3.The learned counsel for the appellants contended that the appellants have purchased the subject property in the year 2008 and developed the same into house site plots in the year 2008 itself. He would further submit that the appellants have sold out the plots and such sales have also been registered. Therefore, the question of requiring the petitioner to obtain an approval of layout does not arise at all. However, without taking note of the said fact, the writ Court had dismissed the writ petition.

4.The learned Additional Government Pleader appearing for the respondent relying upon G.O.Ms.No.78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017 submits that unapproved plot or layout shall not be registered under the Registration Act and as such no building plan



W.A.(MD)No.386 of 2025

approval shall be given for such an unapproved plot or layout. Hence, he vehemently opposed this writ appeal.

5.Heard the submissions made on either side and perused the materials on record.

6.The issue involved in this writ petition has been elaborately dealt by this Court in the case of ***D.Rajamanickam Vs. The Sub Registrar, Salem (West) in W.P.No.426 of 2022***, wherein the Court has held as follows :

“14. Thus, the provision contained in Section 22-A of the Registration Act, 1908 cannot be interpreted to mean that it totally restricts the sale of the property retained by the owner of an unapproved layout. At the most such restriction could be applied only in respect of the sale of such land as house site for the purpose of construction without the permission for development of such land from planning authority concerned. Therefore, in the case of sale of such land for any other purpose other than housing development, in the considered view of this court registration cannot be refused.

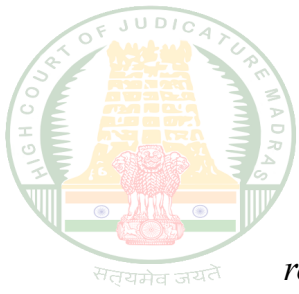
.....



W.A.(MD)No.386 of 2025

WEB COPY

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



W.A.(MD)No.386 of 2025

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

7. Even though the above order is passed by the learned Single Judge, the same is the settled proposition of law, in the present case, the refusal slip impugned in the writ petition and the order passed by the learned Single Judge cannot be sustained in the eye of law.

8. Accordingly, this writ appeal is allowed. The order passed by this Court in the writ petition and the refusal check slip issued by the respondent are hereby set aside. The respondent is directed to register the document of the petitioner within a period of seven days from the date of receipt of a copy of this order. No costs.

[J.N.B., J.] [S.S.Y., J.]
08.04.2025

Index : Yes / No
Internet : Yes/No
ta

To
The Sub Registrar,
Thamaraipatti (E) Chittampatti-
Sub Registrar Office,
Madurai District.



WEB COPY



W.A.(MD)No.386 of 2025

J.NISHA BANU, J.

and

S.SRIMATHY, J.

ta

W.A(MD)No.386 of 2025

08.04.2025