



W.P.(MD)No.5251 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2025

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THE HONOURABLE **MR.JUSTICE V. LAKSHMINARAYANAN**

W.P.(MD)No.5251 of 2025
and W.M.P(MD).Nos.3849 and 3850 of 2025

S.Muniyandi

... Petitioner

vs.

The Joint Sub-Registrar No.II,
Sivagangai, Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order or direction in the nature of a writ to call for the records of the impugned refusal check slip vide proceeding in Refusal No.RFL/2 No.II Joint Sub Registrar Sivagangai /6/2025 dated 20.02.2025 on the file of the respondent and quash the same and further directing the respondent to register the petitioner's sale deed dated 20.02.2025 in respect of the property bearing Town Survey No.23/2B Part in South Market Street, Block C, Ward 6, Sivagangai Town.

For Petitioner : Mr.I.Robert Chandra Kumar

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

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The petitioner had attempted to alienate 3.3 cents admeasuring 1440.5 sq.ft., in favour of one Hakim Mohammed. He presented a sale deed to that effect before the respondent. The same was rejected by way of the impugned order. The reason given in the impugned order is that the sale is hit by Section 22A(2) of the Registration Act.

2. The petitioner states that one John Irudhayaraj had purchased a property in S.No.119/2 to an extent of 16 cents situated at Kathattivayal, Mela Vaniyangudi Group, Sivagangai District, on 11.05.2011. He expired on 31.01.2018. His legal heirs, namely, Prakasi, Jersya sheela, Thomas and Packiyam alienated 11 cents in favour of the petitioner on 03.07.2024. The petitioner in turn attempted to alienate 3.3 cents, which was interfered with by the impugned order. Hence, this writ petition.

3. I heard Mr.I.Robert Chandra Kumar for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate, who takes notice for the respondent.



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4. Mr.I.Roberty Chandra Kumar reiterated the contentions found in the affidavit and Mr.N.Ramesh Arumugam relied upon the reasons set forth in the impugned order.

5. I have carefully considered the same.

6. The issue has been decided by the learned Single Judge in the case of ***D.Rajamanickam Vs., The Sub Registrar, Salem (West)*** in ***W.P.No.426 of 2022, dated 01.07.2024***. The learned Judge in paragraph 17 had 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 held such land can be used for any purposes other than housing development. Even any one of the adjacent land



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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.....”

7. As the said judgment covers the issue, I merely have to follow the same. Consequently, the impugned refusal check slip vide proceeding in Refusal No.RFL/2 No.II Joint Sub Registrar Sivagangai /6/2025, dated 20.02.2025, on the file of the respondent is quashed. There shall be a direction to the respondent to register the sale deed presented by the petitioner on 20.02.2025.



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WEB COPY 8. In result, this Writ Petition is allowed. No costs. Consequently,
connected Miscellaneous Petitions are closed.

Index :Yes / No
NCC :Yes / No
Rmk

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To

The Joint Sub-Registrar No.II,
Sivagangai, Sivagangai District.



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V. LAKSHMINARAYANAN, J.

Rmk

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