



W.P(MD)No.5408 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.02.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5408 of 2025

Chandramohan

..Petitioner

Vs

The Sub Registrar,
O/o Sub Registrar,
Kariyapatti,
Virudhunagar District.

..Respondent

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 records relating to the impugned check slip dated 19.02.2025 in RFL/Kariyapatti/13/2025 and quash the same and direct the respondent to receive the document dated 19.02.2025 styled as Sale Deed for registration and register the same.

For Petitioner	: Mr.S.Manikandan
For Respondent	: Mr.N.Ramesh Arumugam Govt. Advocate (crl.side)



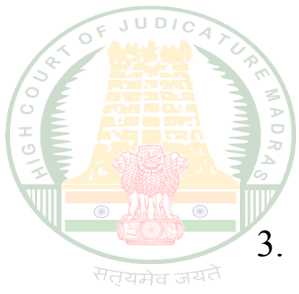
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ORDER

The writ petition is filed to quash the impugned check slip dated 19.02.2025 in RFL/Kariyapatti/13/2025 issued by the respondent and to direct the respondent to receive the document dated 19.02.2025, styled as Sale Deed for registration and register the same.

2. According to the petitioner, the property to an extent of 28 cents comprised in S.No.91/6F situated at Kalkuruchi Village, Kariyapatti Sub Registration District, Virudhunagar District is his ancestral property. The same was divided by way of a registered partition deed on 26.04.2023. The document has been registered as Doc. No.1633/2023 on the file of the Sub Registrar, Kariyapatti. As per the said deed, the petitioner has been allotted item 2 of “G” schedule to the partition deed. It is an extent of 2.94 cents out of 28 cents. Subsequent to the allotment in the partition deed, the petitioner mutated revenue records and has also been enjoying the same. On account of his family circumstances, he wanted to alienate the property in favour of one Manikandan and Saranya. They entered into a sale deed dated 19.02.2025, and the same was presented for registration. The respondent rejected the registration under the impugned order. Challenging the same, the present writ petition.



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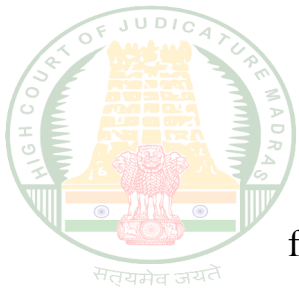
3. I have heard Mr.S.Manikandan for the petitioner and Mr.N.Ramesh

Arumugam, learned Government Advocate for the respondent.

4. The ground on which the respondent has refused registration is that it is an unapproved house site. According to the respondent, it attracts Section 22-A of the Registration Act, 1908.

5. The issue is no longer *res integra* and it had been settled by the Judgment of the Hon'ble Mr.Justice N.Sathishkumar in **D.Rajamanickam Vs The Sub Registrar**, W.P.No.426 of 2022 dated 01.07.2024. The learned Judge, prior to coming to the conclusion, referred to various circulars, instructions, and clarifications that had been given by the Secretary of the Registration Department and the Secretary of the Commercial Taxes Department, State of Tamil Nadu and those issued by the Inspector General of Registration, Chennai. In paragraph 17, the learned Judge 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 mater as the layout was

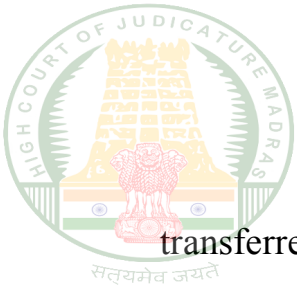


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formed in 2020 and several plots had already been sold, registration of settlement deed executed by the petitioner for the remaining extent of land retained and held by the petitioner in favour of his son cannot be refused. As already held such land 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 refused and restraining the owner of such land from using the land for any other purposes other than housing development.”

6. When the petitioner under the partition deed has secured only a small extent out of 28 cents, he can only alienate what has fallen to his share. A reading of the sale deed shows that the property is being sold only as punja land, that itself shows that it is not being sold as a house site, but it is being



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transferred only as an agricultural holding. That being the position, the impugned order, holding that it is an unapproved house site, is contrary to the very document that has been produced before the respondent. There cannot be a presumption that a small holding will be used only for a house site. Needless to add, the purchaser will not be entitled to develop the property as a house site till they get an approval from the appropriate authority.

7. In the light of the above discussion, the writ petition is allowed. The impugned check slip dated 19.02.2025 in RFL/Kariyapatti/13/2025 issued by the respondent is quashed. The respondent is directed to register the sale deed dated 19.02.2025 presented by the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

8. Call the matter after two weeks for reporting compliance.

28.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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V.LAKSHMINARAYANAN, J.

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To

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O/o Sub Registrar,
Kariyapatti, Virudhunagar District.

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