



W.P.(MD).No.12607 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.12607 of 2025

L.Pandi

.. Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Theni.

2.The Sub Registrar,
Sub-Registrar,
Andipatti,
Theni District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal slip issued by the 2nd respondent in Refusal Number RFL/Andipatty/22/2025 dated 02.04.2025 and quash the same as illegal and consequently direct the 2nd respondent to register the sale deed executed by the petitioner in Temporary Document No.TP/215420418/2025 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

The Writ Petition is filed challenging the impugned refusal slip issued by the second respondent in Refusal Number RFL/Andipatty/22/2025 dated 02.04.2025 and to direct the second respondent to register the sale deed executed by the petitioner in Temporary Document No.TP/215420418/2025 within a stipulated time that may be fixed by this Court.

2. The issue raised in the present Writ Petition is covered by a judgment of this Court in ***D.Rajamanickam Vs. the Sub Registrar, Salem (West), W.P.No.426 of 2022 dated 01.07.2024***. The relevant portion of the judgment is extracted hereunder:

“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 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



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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.”

3. For the mere fact that the alienation is for small extents of land, there is no presumption that it is an attempt to convert an agricultural land into a layout.

4. In the light of the above discussion, the impugned order is quashed. There shall be a direction to the second respondent to register the sale deed executed by the petitioner in Temporary Document No.TP/215420418/2025, if it is otherwise in order.

5. Accordingly, the Writ Petition stands allowed. There shall be no order as to costs.

29.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

1.The District Registrar,
District Registrar Office,
Theni.

2.The Sub Registrar,
Sub-Registrar,
Andipatti,
Theni District.



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V.LAKSHMINARAYANAN,J.

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