

W.P.(MD)No.12551 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.12551 of 2025

Latha

... Petitioner

vs.

The Sub Registrar,
Vallam Sub Registrar Office,
Thanjavur District.

... Respondent

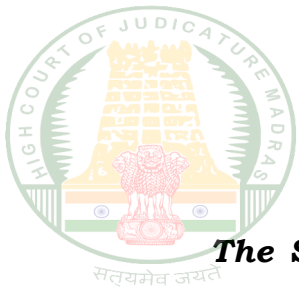
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned refusal cheque slip No.RFL/Vallam_Thanjavur/37/2025 dated 11.04.2025 of the respondent and quash the same as illegal and consequently directing the respondent to register the document presented by the petitioner for registration within the period that may be stipulated by this Court.

For Petitioner :Mr.V.G.Vallarasu Chezhiyan

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

ORDER

The issue that has been raised in the present writ petition is covered by an order passed by this Court in ***D.Rajamanickam Vs.***



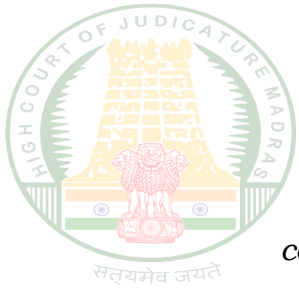
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The Sub Registrar, Salem (West) in W.P. No.426 of 2022 dated

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01.07.2024. Relevant portion 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 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



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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.”

2.In the light of the above, the impugned order is quashed. There shall be a direction to the respondent to register the document executed by the petitioner in favour of Mariyammal, if it is otherwise in compliance of the Registration Act, 1908, within a period of two weeks from the date of uploading of a copy of this order.

3.The Writ Petition is allowed, accordingly. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
mm

29.04.2025

To
The Sub Registrar,
Vallam Sub Registrar Office, Thanjavur District.

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V. LAKSHMINARAYANAN, J.

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