



W.P(MD)No.16375of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16375 of 2025

R.Arunbalaji

... Petitioner

Vs.

1.The District Registrar,
Trichirappalli District,
Cantonment, Trichirappalli.

2.The Sub Registrar,
Joint No.III Sub Registrar's Office,
Trichirappalli District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip passed by the 2nd respondent herein dated 03.05.2025 in RFL/Joint No.III Sub Registrar Trichy/73/2025 and to quash the same and consequently, to direct the 2nd respondent to register the sale deed dated 03.05.2025 assigned with TP/218491821/2025 presented by the petitioner in accordance with law within the time frame fixed by this Court.

For Petitioner : Mr.K.S.Kartiravan

For Respondent : Mr.S.Saji Bino
Special Government Pleader



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned refusal check slip passed by the 2nd respondent herein dated 03.05.2025 in RFL/Joint No.III Sub Registrar Trichy/73/2025 and consequently, to direct the 2nd respondent to register the sale deed, dated 03.05.2025, assigned with TP/218491821/2025 presented by the petitioner in accordance with law within the time frame fixed by this Court.

2.Through the impugned order, the respondents have stated that in the previous document the land in question is stated as “agriculture land”, but now the petitioner is selling the same as housing plot. Moreover, the LPA approval order was not attached with the impugned registration of sale deed.

3.The learned Counsel appearing for the petitioner submitted that the petitioner's vendor namely D.Sankar had purchased larger extent of the property admeasuring 1 acre 02 cents in S.No.130/2 and 70 cents in S.No.130/4. Then had laid out the property and sold to various persons. The remaining 10.44 cents in S.No.130/2 was assigned new S.No.130/2A1 and 13.75 cents in 130/4 was assigned S.No.130/4A3. Then the said D.Sankar had executed Power of Attorney Deed in Doc.No.5996 of 2022 in favour of R.Gunavathi for the remaining land admeasuring 10,547 square feet and regularized the plots before the local

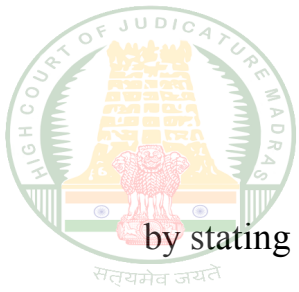


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authority namely the Block Development Officer vide proceedings dated 29.12.2022 in Na.Ka.No.Aa4/4275/2022 after paying necessary charges. After regularization the said D.Sankar through power agent had executed various sale deeds in the portion of regularized plots. One such property was sold on 03.01.2023 in Doc.No.665/ 2023 to an extent of 2071 square feet and the same was registered. However, when the petitioner purchased 1105 square feet and submitted the document for registration, the respondent has issued the refusal slip citing the aforesaid reasons.

4.The learned Special Government Pleader appearing for the respondents submitted that in Document No.665 of 2023 dated 03.01.2023 the road is shown on western side. Whereas in the present document the road is shown on northern side, hence the road has been newly created by the petitioner, hence the impugned order is in accordance to law.

5. On perusal of the Document No.665 of 2023 dated 03.01.2023, it is seen that the petitioner's vendor has sold the property wherein north-south is available on the east side. The same road is also available in the petitioner's document also. Apart from the above road, another road is available on the north side running from east to west side. When the earlier road shown in Doc.No.665 is also available, by citing another road, the respondents cannot refuse registration



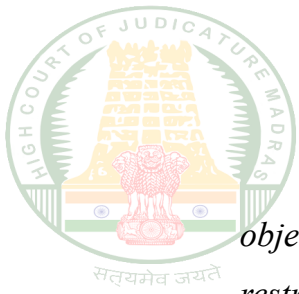
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by stating it to be a new road.

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6. Further, the vendor has sold substantial portion of more than 5,000 square feet. If substantial portion is sold then the respondents cannot refuse registration as held by the Learned Single Judge in W.P.No.426 of 2020, dated 01.07.2024, in the case of ***D.Rajamanickam Vs. The Sub Registrar***, wherein the Learned Single Judge has relied on the circular dated 03.01.2020 stating that if substantial portion of land is sold, it will not attract the provisions of Section 22A and the relevant portion of the order 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 would certainly violate the constitutional right guaranteed under Article 300-A of the Constitution of India. The very



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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. Further this issue has already been considered by the Hon'ble Division Bench Court in W.P.(MD)Nos.705 and 706 of 2025, vide judgment, dated 22.04.2025, wherein the Honourable Division Bench has confirmed the order passed by the Learned Single Judge.

8. Therefore, this Court following the said judgment is passing the following orders:

i) The petitioner has not newly laid out the property and no new road is formed. Moreover, the vendor has sold a substantial portion of the land. Therefore, the impugned refusal check slip is quashed.

ii) The respondents are directed to register the sale deed within a period of four weeks from the date of receipt of a copy of this order.



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9.With the above observations, this Writ Petition is allowed. There

shall be no order as to costs.

17.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

1.The District Registrar,
Trichirappalli District,
Cantonment, Trichirappalli.

2.The Sub Registrar,
Joint No.III Sub Registrar's Office,
Trichirappalli District.



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S.SRIMATHY, J.

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**ORDER MADE IN
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DATED : 17.07.2025