



W.P(MD)No.17968 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17968 of 2025

Krishnan

... Petitioner

Vs.

1. The Sub Registrar,
North Veeravanallur,
Tirunelveli District.

2. Paramasivan

3. Ramaiah

4. Ganesan

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip in RFL/Vadakuveeravanallur/20/2025 dated 22-04-2025 and quash the same and consequently direct the 1st respondent to register the Sale Deed dated 22-04-2025 executed by the petitioner in favor of the respondents 2 to 4 within the time fixed by this Court.

For Petitioner : Mr.V.Karthick Raja

For Respondent : Mr.G.Suriya Ananth
Additional Government Pleader, for R-1



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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 dated 22-04-2025 and consequently direct the 1st respondent to register the Sale Deed dated 22-04-2025 executed by the petitioner in favor of the respondents 2 to 4 within the time fixed by this Honble Court.

2. The learned counsel appearing for the petitioner relied on the Judgment passed by the Hon'ble Division Bench of this Court, dated 08.04.2023 in W.A(MD)No.386 of 2023. In which, it is held as under:

.....

“ 6. The issue involved in this writ petition has been elaborately dealt by this Court in the case of ***D.Rajamanickam Vs. The Sub Registrar, Salem (West) in W.P.No.426 of 2022***, wherein the Court has held as follows :

“14. Thus, the provision contained in Section 22-A of the Registration Act, 1908 cannot be interpreted to mean that it totally restricts the sale of the property retained by the owner of an unapproved layout. At the most such restriction could be applied only in respect of the sale of such land as house site for the purpose of construction without the permission for development of such land from planning authority concerned. Therefore, in



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the case of sale of such land for any other purpose other than housing development, in the considered view of this court registration cannot be refused.

.....

*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*



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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. Even though the above order is passed by the learned Single Judge, the same is the settled proposition of law, in the present case, the refusal slip impugned in the writ petition and the order passed by the learned Single Judge cannot be sustained in the eye of law. ”

3. As per Sub-clause 3 of the *Regularization of Unapproved Plots and Layouts Rules, 2017*, if the road has not been newly laid, the respondents cannot refuse to register. The impugned order is passed without proper application of mind.

4. Therefore, the impugned order dated 22.04.2025, issued by the 1st respondent, is hereby quashed. The 1st respondent is directed to register the sale deed dated 22.04.2025 within a period of four weeks from the date of receipt of a copy of this order.



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5. With the above observations, this Writ Petition is disposed of.

There shall be no order as to costs.

03.07.2025

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

KSA

To:

The Sub Registrar,
North Veeravanallur,
Tirunelveli District.



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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.17968 of 2025**

DATED : 03.07.2025