



W.P(MD)No.20566 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20566 of 2025

Surya

... Petitioner

Vs

The Sub Registrar,
Kariapatti,
Virudhunagar District.

... Respondent

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 Clip, Refusal Number RFL/Kariapatti / 36/ 2025 dated 25.06.2025 issued by the respondent herein and quash the same as illegal and consequently direct the respondent to register the partition deed dated 20.06.2025 executed between the Surya, wife of Kesavan, in respect of 66 cents out of punja lands in Survey No. 22/1 measuring an extent of 1.17.0 Hectares i.e. 2 Acres and 89 cents situated at V.Nangoor Village, Kariapatti Taluk, Virudhunagar District, and release the same within the time limit fixed by this Court.

For Petitioner : Mr.A.L.Kannan

For Respondent : Mr.D.Sasi Kumar
Additional 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 refusal check slip dated 25.06.2025 issued by the respondent and consequently, direct the respondent to register the partition deed dated 20.06.2025.

2. Through the impugned order, the respondent refused to register the partition deed by citing Section 22A of the Registration Act, on the ground that the petitioner had not obtained DTCP plan approval.

3. The learned Counsel appearing for the petitioner submitted that the petitioner is trying to register a partition deed, for which 22A approval is not necessary. Further, the petitioner is transferring more than 20 cents of land as agricultural punja land. Therefore, 22A of the Act will not be applicable. He further relying on W.P(MD)No.7318 of 2025 dated 19.03.2025, wherein the learned Single Judge held that Section 22A(2) will be applicable only when agricultural land is transferred as a house plot without prior permission of the appropriate authority. In the present case, the petitioner is selling the land as punja land, without conversion into a housing site. Therefore, Section 22A(2) will not be applicable. Further, the issue has already been settled by another learned Single



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Judge in the case of ***D.Rajamanickam Vs. The Sub Registrar, Salem (West), in***

W.P.No.426 of 2022 dated 01.07.2024. The learned Counsel appearing for the petitioner further relied on another learned Single Judge in W.P(MD)No.6605 of 2025 dated 27.02.2025, wherein it was held that if the agriculture land is less than 10 cents, it can always be dealt with and such clarification has already been given and which was taken note of this Court in various orders passed earlier. The relevant portion is extracted hereunder:

“5.In the considered view of this Court, if the agricultural land is less than ten cents, it can always be dealt with and such a clarification has already been given and which was taken note of by this Court in various orders passed earlier.

6.In view of the above, the petitioner shall make a specific recital in the Sale Deed that the property is being sold/conveyed only as an agricultural land and the extent of the property shall also be described in the terms of cents. If the same is complied with, the Sale Deed shall be entertained and registered, if it is otherwise in order.”

4. Similarly in W.P(MD)No.5756 of 2025 dated 04.03.2025, another learned Single Judge held that Section 22A(2) will apply only when agricultural land is sold as a housing site without prior permission. The said issue was also considered by the Honorable Division Bench in W.A.(MD)No.1158 of 2025 dated



16.07.2025, wherein it is held as under:

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“3.It is too obvious that the appellant had only purchased a piece of house site in an unapproved lay out. Only if the extent of land purchased by the appellant is 20 cents or above, it can be said to be for agricultural purposes. Paragraph Nos.7, 8 and 9 of the order of the learned Single Judge read as follows:-

“7.Though the proviso to Section 22-A(2) of the Act says that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site, since the petitioner is the developer and it is the first sale, the proviso to Section 22-A(2) is not applicable to the case on hand. That apart, the Regularization of Unapproved Plots and Layouts Rules, 2017 (hereinafter referred to as 'the Rules') were made by G.O.(Ms)No.78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017. The Rule 3 of says about cut off date for considering the regularization of unapproved plots and layouts. It is relevant to extract Rule 3 hereunder:

“3.Cut-off date for considering regularisation of unapproved plots and layouts.— Only those unapproved layouts where a part or full number of plots have been sold through a registered sale deed as on 20th October, 2016 shall be considered for regularization under these rules. Similarly, all plots including unsold ones are eligible for regularization in layouts where at least a part of the total number of plots have been sold through a registered sale deed as on 20th October, 2016. Individual plot in a sub-division registered by a sale or title deed as on 20th October, 2016 shall also be eligible for regularization. As proof and evidence, the plot holder or the layout promoter is required to furnish copies of the sale deed or title deed for the plots sold. Agreement for sale or General Power of Attorney shall not be considered as evidence for proof of sale of plot.”

8.From the above, it is clear that all plots including unsold ones are eligible for regularization in layouts, where at least a part of the total number of plots have been sold through a registered sale



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deed as on 20.10.2016 and individual plot in a sub-division registered by a sale or title deed as on 20.10.2016 shall also be eligible for regularization. Therefore, the subject plot, which is now stopped for registration, is required for regularization. It is being the first sale, the judgment cited by the learned counsel for the petitioners is not applicable to the case on hand.

9.Thus, it is clear that the unapproved plots cannot be registered and it is liable to be regularised. That apart, the consequences of non-regularisation if the house plot is not regularised, electricity, water supply and other amenities shall not be extended to such unapproved plot or layout. Such unapproved plot shall not be registered under the Registration Act 1908. Further, no building approval shall be given by the authorities concerned for such unapproved plot. In order to give effect to the consequences, the plots shall be regularised in the manner known to law. Therefore, the subject property is dropped for registration and it requires regularisation.”

5. Therefore, following the above orders, this Court is of the considered opinion that if agriculture land is sold as agriculture land with an extent of more than 20 cents, the provisions of section 22A(2) of the Act will not be applicable. In the present case, since the petitioner is transferring more than 20 cents of land under a partition deed, Section 22A(2) of the Act is not attracted. The impugned order is a clear case of non-application of mind and the same is hereby quashed. The respondent is directed to register the partition deed within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. With the above said directions, this Writ Petition is allowed. There shall be no order as to costs.

29.07.2025

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

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To:

The Sub Registrar,
Kariapatti,
Virudhunagar District.



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S.SRIMATHY, J.

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ORDER MADE IN
W.P(MD)No.20566 of 2025

DATED : 29.07.2025