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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No.20750 of 2025

Subalakshmi

... Petitioner

Vs

The Sub Registrar
O/o. Sub Registrar Office, Thiruvaiyaru,
Thiruvaiyaru Taluk, Thanjavur District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register the Sale deed in favour of the petitioner executed by one Ramanathan without DTCP approval bearing survey number 33/4A2A2A situated at Kalyanapuram 1st sethi revenue village Thiruvaiyaru Taluk, Thanjavur District, in the light of the Judgement of this Court in W.P.(MD).No. 25542 of 2024 and W.P. (MD).No.25543 of 2024 dated 29.10.2024.



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For Petitioner : Mr.M.Vivek
For Respondents : Mr.D.Sasikumar
Additional Government Pleader,

ORDER

This writ petition has been filed to direct the respondent to register the Sale deed in favour of the petitioner executed by one Ramanathan without DTCP approval bearing S.No.33/4A2A2A situated at Kalyanapuram 1st sethi revenue village Thiruvaiyaru Taluk, Thanjavur District, in the light of the Judgement of this Court in W.P.(MD).No. 25542 of 2024 and W.P. (MD).No.25543 of 2024 dated 29.10.2024.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader for the respondents and perused the materials placed on record.

3.It is the grievance of the petitioner that the petitioner has purchased an extent of 171 square meters in Survey No.33/4A2A2A at Kalayanapuram 1st Sethi Revenue Village, Thiruvaiyaru Taluk, Thanjavur District. The petitioners presented the sale deed dated 18.05.2025 for



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registration. However, the same was refused to be registered on the ground that there is no layout approval.

4.The learned counsel for the petitioner specifically contended that the petitioner purchased small extent of land as a house site plots and the documents with regard to the adjacent property of the petitioner have been registered. However, the documents of the petitioner have been refused to be registered for want of approval.

5.The refusal made by the respondent citing Section 22-A of the Registration Act cannot be sustained. This aspect has been elaborately dealt by this Court in **D.Rajamanickam Vs. The Sub Registrar, Salem (West) in W.P.No.426 of 2022**, wherein this Court has held as follows :

*“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***



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*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 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.***



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In the light of the above settled provision of law, the impugned refusal slip cannot be sustained in the eye of law.

6. Accordingly, this writ petition is allowed and the respondent is directed to register the Sale deed dated 18.05.2025 in favour of the petitioner executed by one Ramanathan without DTCP approval bearing survey number 33/4A2A2A situated at Kalyanapuram 1st sethi revenue village Thiruvaiyaru Taluk, Thanjavur District, within a period of seven days from the date of receipt of a copy of this order. No costs.

30.07.2025

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

vsg

To

The Sub Registrar
O/o. Sub Registrar Office, Thiruvaiyaru,
Thiruvaiyaru Taluk, Thanjavur District.



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S.SRIMATHY, J

vsg

W.P.(MD) No. 20750 of 2025

30.07.2025