



W.P(MD)No.21397 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21397 of 2025

Murugan

... Petitioner

Vs

The Sub Registrar,
Kommadikottai,
Sathankulam Taluk,
Thoothukudi District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned Refusal Check Slip passed by the respondent in RFL/Kommadikottai/41/2025 dated 18.07.2025 and quash the same.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.S.Kameshwaran
Government Advocate



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to impugned refusal check slip dated 18.07.2025.

2. Through the impugned order, the respondent has stated that the petitioner has created a new road. Therefore, the provisions of 22-A(2) would be attracted, thereby the respondent cannot register the document.

3. The learned Counsel appearing for the petitioner submitted that a larger extent of land belonged to the petitioner's grandfather, who had already laid out and sold several plots prior to 2016, for which he has relied on the Encumbrance Certificate for the period from 24.07.1982 to 25.07.2025. In Serial No.25 of the said certificate, a sale deed was executed in Document No.686/2014 dated 23.06.2014. On verifying the boundaries on the northern side, 13 links common pathway is shown as a boundary.

4. Therefore, this Court is of the considered opinion that the layout and pathway were already in existence prior to 2016. Hence, the impugned order stating that the petitioner has created a new pathway is incorrect. Moreover, a substantial portion of the land is sold. If the substantial portion of the land is sold,



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then the respondent cannot insist on approval. The said issued has already been considered by another learned Single Judge in W.P.No.14777 of 2023 dated 01.07.2024. Therefore, following the said judgment, this Court is of the considered opinion that when the substantial portion of the land has already been sold, the respondent cannot insist on a lay out approval. Accordingly, the impugned refusal check slip is quashed. However, it is made clear that if the petitioner is purchasing the property as a housing plot, the petitioner is liable to pay the stamp duty applicable to housing plots.

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

06.08.2025

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

jbr

To:

The Sub Registrar,
Kommadikottai,
Sathankulam Taluk,
Thoothukudi District.



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S.SRIMATHY, J.

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ORDER MADE IN
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