



W.P(MD)No.24082 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24082 of 2025

Pandiyaraj

... Petitioner

Vs.

The Sub Registrar
O/o.Sub Registrar,
Kariyapatti,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip dated 13.08.2025 in RFL/Kariapatti/66/2025 and quash the same and directing the respondent to receive the document dated 13.08.2025 styled as Sale Deed for registration and register the same.

For Petitioner : Mr.S.Manikandan

For Respondent : Mr.D.Gandhiraj,
Spl. Government Pleader.



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ORDER

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Heard both sides.

2.The petitioner executed sale deed dated 13.08.2025 in favour of one Nithishkumar and Balamurugan to convey the petition mentioned property. Registration was refused. In the refusal check slip, it has been mentioned that the petitioner wants to promote an unauthorized lay out. Challenging the same, this writ petition has been filed.

3.The learned counsel for the petitioner draws my attention to the order dated 28.02.2025 made in W.P.(MD)No.5408 of 2025 (Chandramohan Vs. Sub Registrar, Kariyapatty, Virudhunagar District).

A learned Judge of this Court had held as follows:-

“5.The issue is no longer res integra and it had been settled by the Judgment of the Hon'ble Mr.Justice N.Sathishkumar in D.Rajamanickam Vs The Sub Registrar, W.P.No.426 of 2022 dated 01.07.2024. The learned Judge, prior to coming to the conclusion, referred to various circulars, instructions, and clarifications that had been given by the Secretary of the Registration Department



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and the Secretary of the Commercial Taxes Department, State of Tamil Nadu and those issued by the Inspector General of Registration, Chennai. In paragraph 17, the learned Judge 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 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 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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6. *When the petitioner under the partition deed has secured only a small extent out of 28 cents, he can only alienate what has fallen to his share. A reading of the sale deed shows that the property is being sold only as punja land, that itself shows that it is not being sold as a house site, but it is being transferred only as an agricultural holding. That being the position, the impugned order, holding that it is an unapproved house site, is contrary to the very document that has been produced before the respondent. There cannot be a presumption that a small holding will be used only for a house site. Needless to add, the purchaser will not be entitled to develop the property as a house site till they get an approval from the appropriate authority."*

4.The learned Special Government Pleader points out that in the schedule to the sale deed, the northern boundary has been mentioned as a 20 feet pathway. The learned counsel for the petitioner thereupon submits that while re-presenting of the document, the northern boundary description shall be appropriately amended and there will not be any reference to any pathway. I record the said undertaking.

5.In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document with



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amendment as undertaken above. Thereupon, the same shall be registered and released subject to fulfilment of other usual formalities. This writ petition is allowed. No costs.

04.09.2025

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

The Sub Registrar
O/o.Sub Registrar,
Kariyapatti,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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