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W.A.(MD)NO.2342 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.2342 of 2024

1. The Principal Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai – 600 009.

2. The Inspector General of Registration,
Registration Department, Santhome High Road,
Raja Annamalaipuram, Chennai – 600 009.

3. The District Registrar,
Madurai, Madurai District.

4. The Sub Registrar,
Melur West Sub-Registrar Office,
Madurai District.

... Appellants/ Respondents

Vs.

M.Palani Kumar

... Respondent/Writ petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No. 23942 of 2024 dated 14.10.2024.



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For Appellants : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by Mr.S.Saji Bino,
Special Government Pleader.

For Respondent : Mr.M.Mahaboob Fazil,
for M/s.Roy and Roy Associates.

* * *

J U D G M E N T

(By G.R.SWAMINATHAN, J.)

The State is on appeal challenging the order dated 14.10.2024 passed by the learned Single Judge allowing WP(MD)No.23942 of 2024 filed by the respondent herein (M.Palanikumar).

2.Palanikumar and his siblings entered into a partition deed dated 16.02.2024. It was presented for registration. The registering authority declined to register the document and issued refusal check slip dated 13.09.2024. Questioning the same, Palanikumar filed W.P. (MD)No.23942 of 2024. The learned Single Judge allowed the writ petition by following his earlier order made in ***W.P.No.426 of 2022 (D.Rajamanickam V. The Sub Registrar, Salem(West))***. It was held therein as follows :-



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“17....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.”

3.The learned counsel appearing for the writ petitioner / respondent herein pointed out that ***D.Rajamanickam*** decision was endorsed in *toto* by the Hon'ble Division Bench vide order dated ***08.04.2025 in WP(MD)No.386 of 2025 (Kasirajan V. The Sub Registrar)*** and called upon this Court to dismiss the writ appeal.

4.We are not swayed by the said submission. ***Rajamanickam*** case has no application whatsoever to the facts on hand. Even though the executants have made it appear as if they are partitioning a piece of land amongst themselves, it can be seen that what is proposed is division of plots in an unapproved layout. Such a situation falls outside the framework envisaged by ***Rajamanickam***.



5.As rightly pointed out by the learned Additional Advocate

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General, the total extent of the land that is subject matter of this partition deed is 14 cents. The said 14 cents is sought to be divided among the three siblings. As per the terms of the document, each party to the document would get 3.25 cents. 1½ cent has been earmarked as pathway. We perused the document presented by the writ petitioner for registration. The executants of the document have described the land as house site. It is this fact which distinguishes the case on hand from **Rajamanickam** case. The land that was the subject matter of the proceedings in Rajamanickam case was not a part of the layout. In the case on hand, the writ petitioner and his siblings had been dealing in real estate transactions and the property in question is a part of an unapproved layout. One cannot be so credulous as to believe that the writ petitioner and his siblings intend to carry out agricultural operations in tiny plots each measuring 3.5 cents. There is not a whisper about the earlier transactions in the affidavit filed in support of the writ petition. If only the learned Single Judge had been appraised of those transactions, we are certain that the conclusion and the outcome would have been otherwise.



6.Owing to the aforesaid facts, we are of the view that

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Rajamanickam case will not come to the writ petitioner's rescue.

The policy of the Government is to ban development of unapproved layouts. Public policy set out in Section 22A of the Registration Act is clearly attracted to the case on hand. The order passed by the learned single Judge is set aside. This writ appeal is allowed. It is open to the writ petitioner to work out his rights in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
22th July 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU/SKM

To

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