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W.P.(MD)NO.26106 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26106 of 2025

Govindan

... Petitioner

Vs.

1. The District Registrar,
Virudhunagar District,
Virudhunagar.

2. The Sub Registrar,
Sub Registrar Office, Panthalkudi,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the refusal check slip by its refusal No.RFL/பந்தல்குடி/18/2025 issued by the second respondent dated 10.09.2025 and quash the same as unlawful and unsustainable consequently directing the second respondent to register the sale deed dated 10.09.2025 as and when the same is presented by the petitioner.

For Petitioner : Mr.S.Kishore Kumar

For R-1 & R-2 : Mr.M.Senthil Ayyanar,
Government Advocate.

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ORDER

Heard both sides.

2. The writ petitioner executed a sale deed dated 10.09.2025 in favour of one Kaveri to sell the petition-mentioned plot. The document was presented for registration. Citing the bar incorporated under Section 22A of the Registration Act, registration was refused. Challenging the stand of the registering authority, this writ petition has been filed.

3. The learned counsel appearing for the petitioner produced a copy of the encumbrance certificate. It is seen therefrom that a number of plots in the very same survey number were already sold only as house plots. It is stated that unapproved layout was already formed and a number of plots were also sold. The unsold plots are now being alienated. The plot in question is one such. The learned counsel for the petitioner draws my attention to the order dated **01.07.2024** made in **W.P.(MD)No.426 of 2022** (**D.Rajamanickam Vs. The Sub Registrar, Salem**). Paragraph No.17 of the said order reads as follows:-



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“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 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



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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.”

4. Respectfully applying the aforesaid ratio, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document and it shall be registered and released subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

23.09.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Registrar,
Virudhunagar District, Virudhunagar.
2. The Sub Registrar,
Sub Registrar Office, Panthalkudi,
Virudhunagar District.



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5

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G.R.SWAMINATHAN,J.

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W.P.(MD)No.26106 of 2025

23.09.2025