



W.P(MD)No.25970 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25970 of 2025

S.Mahesh

... Petitioner

Vs.

1.The Sub Registrar,
Kayalpattinam Sub Registrar Office,
Kayalpattinam,
Thoothukudi.

2.K.Saravanan
*(R.2 is suo motu impleaded vide
order of this Court dated 06.10.2025)*

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Refusal Check Slip issued by the respondent in Refusal Number RFL/Kayalpattinam/76/2025 dated 20.08.2025 and quash the same as illegal and consequently direct the respondent to register the sale deed dated 20.08.2025 submitted by the petitioner within a time frame fixed by this Court.



W.P(MD)No.25970 of 2025

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1

Mr.M.Rahul Kumar
for R.2

ORDER

Heard both sides.

2.The writ petitioner executed a sale deed dated 19.08.2025 in favour of the second respondent herein conveying 15.5 cents of land. The document was presented for registration. Citing the bar under Section 22A of the Registration Act, 1908 registration was refused. Challenging the refusal check slip, this writ petition has been filed.

3.The learned counsel for the writ petitioner points out that the petitioner herein had purchased a larger extent of land and promoted an unapproved layout in the year 2011. Subsequently, the petitioner executed gift deeds in favour of the local body. As on date, a number of plots in the layout had already been sold out even before the cut off date.



W.P(MD)No.25970 of 2025

The petition mentioned land in the writ petition alone remains unsold.

The learned counsel draws my attention to the order dated 01.07.2024 in **W.P.No.14777 of 2023 (K.Madhaiyan Vs The Sub Registrar, Palacode)**, it was held that when an unapproved layout has already been formed, the authority cannot take exception to the registration of unsold plots.

4.It is true that some decisions are in favour of the writ petitioner's contentions. However, a literal reading of Section 22A of the Act indicates that only if the house site that is the subject matter of the present transaction was already sold and registered, then and then alone it will fall outside the scope of Section 22A of the Registration Act, 1908. However, I refrain from going deeper into the issue. This is because the learned counsel for the writ petitioner as well as the learned counsel for the second respondent on instructions state that without getting the petition mentioned land regularised by the competent authorities, no housing development or any other development will take place. Since such an undertaking has been given by this Court, in my view, Section 22A can no longer act as an impediment. In this view of the matter, the order impugned in the writ petition is quashed. The parties are permitted



W.P(MD)No.25970 of 2025

to re-submit the document. It shall be registered and released subject to the fulfilment of the other usual formalities.

5.This Writ Petition is allowed accordingly. No costs.

06.10.2025

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

To

The Sub Registrar,
Kayalpattinam Sub Registrar Office,
Kayalpattinam,
Thoothukudi.



WEB COPY



W.P(MD)No.25970 of 2025

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.25970 of 2025

06.10.2025