



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16935 of 2019

Alagar Samy

... Petitioner

-Vs-

1.The District Registrar,
Madurai North,
Madurai.

2.The Sub-Registrar,
Karungalakkudi,
Madurai North,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in RFL/Karungkalakudi/2/2019 dated 15.05.2019 by way of check slip, quash the same and consequently, direct the second respondent to register the sale deed and release the same within a period that may be stipulated by this Court.

For Petitioner : Mr.K.Dinesh
For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in RFL/Karungkalakudi/2/2019, dated 15.05.2019 by way of check slip, quash the same and consequently, direct the second respondent to register the sale deed and release the same, within a time to be stipulated by this Court.

2.Heard Mr.K.Dinesh, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.



4.The petitioner had submitted a sale deed, dated 10.05.2019 for registration in respect of property at Survey No.101/11, Melavalavu Village, Melur Taluk, Madurai District to the extent of 3570 sqft. The said sale deed eventhough has been styled as sale of agriculture land, the second respondent seems to have found that since the said land to the extent of 3570 sq.ft being sold or conveyed under the deed in question, can only be treated as unapproved housing plots or layout and therefore, it cannot be treated as agriculture land and in view of the same, since there has been a ban that unapproved layout shall not be registered, the second respondent passed the impugned order, dated 15.05.2019 by giving a refusal check slip to register the land, for the said reason that the land being conveyed is an unapproved land. Challenging the said order, the present writ petition has been filed.

5.The learned counsel appearing for the petitioner submits that, the land being conveyed only as an agriculture land and it has not been converted and only to meet the family expenses, the petitioner sells this property and sofar, the said property is utilised for agriculture purpose. Therefore, the classification sought to be made by the second respondent treating it as an unapproved house sites has no justification and therefore, the impugned order has to be interfered with.

6.The learned Government Advocate appearing for the respondents, on instructions, submitted that, though the second respondent has categorized the land in question as an unapproved housing plot, since it is located in the village, where no layout proposal has been made and there has been no layout established by anyone including the petitioner in the nearby site, where the property in question is located, it might not have been construed as an unapproved layout and as of now, since it is classified only as an agriculture land, the second respondent can register the same and if at all, any future reclassification is made or development is made, the purchaser has to face those issues in the manner known to law.

7.I have considered the said submission made by both sides and in view of the fair stand taken by the learned Government Advocate appearing for the respondents and having regard to the said facts of the case, this Court is inclined to dispose of this writ petition with the following directions:-

"that the impugned communication made by the second respondent neither supported by any document nor considered to be a sustainable reason, hence, the same is hereby quashed and the matter is remitted back to the second respondent for reconsideration; while making such reconsideration, the second respondent shall consider the request of the petitioner for registering the document on the basis of the nature of the land as prescribed in the



document itself and accordingly, after collecting the necessary stamp duty and other charges, the registration can be undertaken by the second respondent in accordance with law. "

8. With these directions, this Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Registrar,
Madurai North,
Madurai.

2. The Sub-Registrar,
Karungalakkudi,
Madurai North,
Madurai District.

+1 CC to Mr.K.DINESH, Advocate SR-79067.

W.P. (MD) No.16935 of 2019
31.07.2019

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