

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.986 of 2020

K.Sivakumar

..Petitioner

.v.

The Sub Registrar,
Dharmapuri (West),
Dharmapuri District.

....Respondent

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned rejection order passed in RFL/Dharmapuri West/34/2019 dated 29.11.2019 by the respondent and quash the same as illegal and consequently direct the respondent to accept the petitioners document for registration either as a agricultural land or plots.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.T.M.Pappiah
Special Government Pleader

सतयमेव जयते
O R D E R

This writ petition has been filed challenging the Refusal Check Slip issued by the respondent refusing to register the Sale Deeds presented by the petitioner.

2.The case of the petitioner is that an extent of 58 cents was jointly purchased in the year 2007, by the principal of the petitioner and her husband. The property was subsequently converted into 15 plots and certain plots were also sold in the year 2015 and it was also registered before the respondent. The further case of the petitioner is that when the Sale Deed was presented before the respondent with regard to the remaining portion of the property, the same was refused to be registered by the respondent on the ground that it is

categorised as an agricultural land and therefore, appropriate approval must be obtained before any registration and it is barred under Section 22A of the Registration Act. Aggrieved by the same, the present writ petition has been filed before this Court.

3.The learned counsel for the petitioner submitted that the respondent can be directed to register the Sale Deed by treating the same as an agricultural land and the petitioner is also willing to pay the stamp duty on square feet basis.

4.The learned Special Government Pleader appearing on behalf of the respondent submitted that the nature of the property has already been converted into plots and already 6 plots have been sold in favour of various other persons. Therefore, the learned counsel submitted that the petitioner cannot be permitted to take a different stand when it comes to selling the remaining portion of the property. The learned counsel submitted that there is a clear bar under Section 22A of the Registration Act and the Sale Deed cannot be registered unless a lay out approval is obtained from the Competent Authority or a regularisation is obtained for the plots.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.It is an admitted case that the nature of the property has already been converted into housing plots. Originally this property was an agricultural land. That apart, 6 plots have already been sold in favour of various other persons. When the petitioner was attempting to register the Sale Deed for the remaining portion of the property, the respondent has refused to register the Sale Deed on the ground that approval must be obtained for conversion of the property into housing plots. The respondent has also taken a stand that such registration is barred under Section 22A of the Registration Act, 1908.

7.In the considered view of this Court, even though, the petitioner is willing to register the remaining property as an agricultural land by paying the stamp duty on square feet basis, the same cannot be permitted by this Court for the simple reason that the nature of the entire property has already been converted into housing plots and certain plots have already been sold. Therefore, the petitioner cannot be now allowed to register the remaining lands as agricultural lands. The petitioner has to necessarily obtain lay out approval from the Competent Authority or must get the conversion regularised from the Competent Authority, before presenting any document for registration before the respondent.

8.The learned counsel for the petitioner submitted that the petitioner must be given liberty to approach the Competent Authority to get the approval for the lay out or for getting regularisation of the agricultural land converted into housing plots. It goes without saying that the petitioner can always approach the Competent Authority and get necessary orders before approaching the respondent for registration of any document with regard to the remaining property.

9.This Court does not find any ground to interfere with the Refusal Check Slip issued by the respondent. This writ petition is disposed of by giving liberty to the petitioner to work out his remedy in accordance with law.

This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

The Sub Registrar,
Dharmapuri (West),
Dharmapuri District.

+1cc to Government Pleader, Sr.No.24321

WEB COPY

W.P.No.986 of 2020

RK (CO)
GS (09/06/2020)