

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on	03.09.2020
Pronounced on	08.09.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11190 of 2020

Sasikala

..Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
 2. The District Registrar,
No.1/3, Vignesh Complex,
Ground Floor, PH Road, Tiruppur - 641 602.
 3. The Sub Registrar,
SH 166, Arjothi Nagar,
Palladam - 641 664
- ..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Refusal check slip in refusal number RFL/Palladam/15/2020 dated 14.07.2020 and to quash the same as illegal, incompetent and ultravires and consequently direct the 3rd respondent to register the sale deed dated 21.03.2020 executed by the Petitioner for the subject property in Survey No.512/2A1 to an extent of 625.0 square feet in Naranapuram Village, Palladam Taluk and Tiruppur District.

For Petitioner : Mr.M.Guru Prasad

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

ORDER

This writ petition has been filed challenging the refusal slip issued by the 3rd respondent dated 14.07.2020, wherein, the sale deed presented by the petitioner was refused to be registered.

2. The case of the petitioner is that she is the owner of the subject property by virtue of a registered sale deed dated 15.09.2016. This document was registered as

Document .No.12134/2016. The petitioner wanted to sell this property in favour of one M.Sabarinathan and another and a Sale deed was executed on 21.3.2020. When this sale deed was presented for registration before the 3rd respondent, the 3rd respondent refused to register the sale deed on the ground that the earlier sale deed dated 15.09.2016 was registered, when an order of stay passed by this Court was in force. Aggrieved by the same, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the subject property was regularized by proceedings dated 25.06.2020 of the Commissioner of Palladam, Corporation and thereby, the subject property became an authorized plot. The subject property was sought to be sold only after the said regularization. The learned counsel further submitted that the letter of the 1st respondent dated 16.3.2020 makes it very clear that if any house site has been dealt with through any document prior to 21.10.2016, there will be no bar in permitting subsequent transactions. Therefore, the learned counsel submitted that the impugned refusal slip issued by the 3rd respondent is unsustainable in law.

4. Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents submitted that the earlier Sale Deed was registered during the time when the interim order passed by this Court stopping all registrations of unapproved plots, was in force. Therefore, the earlier sale deed executed in favour of the petitioner on 15.09.2016 is bad in law.

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

6. The house site in question has been regularized by the proceedings of the Commissioner, Palladam Corporation, dated 25.06.2020. The letter of the 1st respondent dated 16.03.2020 specifically states that any transaction touching upon any unauthorized house site has taken place prior to 21.10.2016, will be saved and operation of Section 22 (A) of the Registration Act will have effect only from 21.10.2016. In this case, admittedly the sale deed was registered in favour of the petitioner on 15.09.2016, which is prior to 21.10.2016. Therefore, in the considered view of this Court, there is no bar for the petitioner to deal with her property.

7. The impugned refusal slip issued by the 3rd respondent dated 14.07.2020 is hereby quashed. The 3rd respondent is directed to receive the sale deed dated 21.03.2020 from the petitioner and shall register the same, if it is otherwise in order. It goes without saying that the petitioner shall pay the necessary stamp duty and the

registration charges.

8. This writ is allowed with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
2. The District Registrar,
No.1/3, Vignesh Complex,
Ground Floor, PH Road, Tiruppur - 641 602.
3. The Sub Registrar,
SH 166, Arjothi Nagar,
Palladam - 641 664.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No. 29416

+1cc to the Government Pleader, S.R.No. 29641

W.P.No.11190 of 2020

AJS (CO)
GN(19/10/2020)

सत्यमेव जयते

WEB COPY