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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No. 7807 of 2021

D.Rajkumar

.... Petitioner

Vs

1.The Collector,
Dharmapuri District,
Dharmapuri.

2.The Sub-Registrar,
Pappireddipatti,
Dharmapuri District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to register the sale deed of the property in S.No.237/1B3D to the extent of 10.0 Cents situated at Vepilaimuthampatti Village, Veppilai Muthampatti, Post, Dharmapuri District without insisting upon the petitioner to produce the individual plot approval land.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to register the sale deed of the property comprised in S.No.237/1B3D to the extent of 0.10 cents situated at Vepilaimuthampatti Village, Veppilai Muthampatti, Post, Dharmapuri District without insisting upon the petitioner to produce the individual plot approval land.

2. Heard, Mr.S.Doraisamy, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents.

3. The petitioner purchased the land comprised in survey No.237/1B3D to an extent of 0.10 cents situated at Vepilaimuthampatti Village from one Madhaiyan and presented the sale deed for registration on 15.03.2021 before the second respondent. The second respondent returned the sale deed for want of individual plot approval. The petitioner's



vendor already gifted common pathway adjacent to the said plot. His vendor already had registered many sale deeds to the individuals in respect of the remaining land comprised in the same survey number.

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4. The learned counsel for the petitioner submitted that as per Rule 162 of the Tamil Nadu Registration Rules only the documents enumerated in the said rules alone can be refused to register. The second respondent had no authority to refuse to register the documents, which has not fall under Rule 162.

5. The second respondent filed a counter stating that the petitioner's vendor had purchased the property comprised in survey No.237/1B3 to an extent of 0.78 cents situated at Vepilaimuthampatti Village by a registered sale deed vide document No.2074 of 2006. Out of the total extent, the petitioner had purchased 0.10 cents. The total extent of the subject property was already converted into house plots by leaving 12 feet road. The Adangal copy has not been furnished to show that the land is an agricultural land. Therefore, the said sale deed presented by the petitioner was returned to produce approval for the house site. It is further stated that as per the Circular in Na.Ka.No.10021/L1/2018 issued by the Inspector General of Registration dated 11.04.2018 for area coming under Village Panchayat, the extent for land between 10 to 20 cents, Sub Registrar should decide the nature of the land as agricultural land or plot based on the survey number's previous entry and surrounding survey numbers.

6. In the case on hand, admittedly, the petitioner purchased 0.10 cents out of 0.78 cents and the remaining property was sold out to various third persons and the same has been duly registered by the second respondent. That apart, for registration of sale deed, it is not the concern of the second respondent, as to whether the subject property is an agricultural land or house plots. For registration of the documents, while calculating the stamp duty and registration charges, the second respondent has to consider whether the subject property is an agricultural land or house plots. He does not require approval of layout for registering the document.

7. In this regard, it is relevant to extract the Judgment of the Hon'ble Division Bench of this Court reported in 2020 (8) MLJ 305 in the case of N. Ramayee Vs. The Sub-Registrar, which reads as follows :

"18. Conspectus of the various provisions referred above make it clear that the Registering Officer cannot go into the title of the property in respect of which document is presented. However, under various provisions he has power to refuse to accept the document for registration unless mistakes found in the document are set right properly. Except Section 22-A of the Tamil Nadu Act, other provisions



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referred above do not give any power to the registering officer to refuse to register the document presented by the person executing documents. Rule 60 also states that the registering officer can only enquire about the executant and the claimant of the instrument of sale regarding whose identity he has to satisfy himself. But the provisions does not give absolute power to refuse registration. As already indicated Page 20/36 W.P.No.674 of 2020 above, the purpose and object of the Act is to give a public notice about any encumbrance in the immovable property".

Thus, it is clear that the second respondent cannot refuse to accept the documents for registration except the documents enumerated under Rule 162 of the Tamil Nadu Registration Rules.

8. In view of the above, the impugned Refusal Check Slip No.RFL/Pappireddipatti/3/2021 dated 17.03.2021 issued by the second respondent cannot be sustained and it is liable to be set aside, accordingly, it is set aside. The petitioner is directed to present the documents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to register the same, otherwise if it is in order with regard to stamp duty and registration charges.

9. In the result, the writ petition stands allowed. No order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Collector,
Dharmapuri District, Dharmapuri.

2.The Sub-Registrar,
Pappireddipatti, Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate SR. No.57827
+1cc to Government Pleader SR. No.58032

W.P. No. 7807 of 2021