



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11356 of 2020

V.Alex John Raj

... Petitioner

Vs.

The Sub Registrar,
Joint - II Registration Office,
Tirunelveli - 627 001.

... Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records in impugned cheque slip, dated 13.08.2020 on the file of the respondent and quash the same as illegal and consequently direct the respondent to register the sale deed dated 12.08.2020 presented by the petitioner.

For Petitioner

: Mr.S.Kumar

For Respondent

: Mr.R.Suresh Kumar
Government Advocate

ORDER

This writ petition has been filed challenging the impugned check slip issued by the respondent, dated 13.08.2020, wherein, the sale deed presented for registration was refused to be registered on the ground that it is an unapproved house site.

2.The case of the petitioner is that the property in S.No.502/4 measuring an extent of 1 acre and 11 cents was purchased by the petitioner as an agricultural land through a registered sale deed, dated 20.08.2008. According to the petitioner, the patta, chitta and adangal have been issued in favour of the petitioner.

3.The petitioner wanted to sell a portion of the property and accordingly, a sale deed was executed by the petitioner on 12.08.2020 and the same was presented for registration before the respondent. The respondent refused to register the sale deed on the ground that it is an unapproved house site. Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.



4.Heard Mr.S.Kumar, learned counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Government Advocate, appearing for the respondent.

5.On a careful reading of the earlier sale deed, through which, the petitioner became the owner of the property measuring an extent of 1 acre 11 cents and the present sale deed that is executed by the petitioner to convey 37 cents of land, it is seen that the land is dealt with only as an agricultural land. The respondent has probably assumed that since the petitioner is only selling a portion of the land, it may be used as a house site. At the best, the decision taken by the respondent is only based on apprehension and it is not borne out by any materials.

6.This Court has considered similar cases and it has been consistently held that where the property is being dealt with as an agricultural land, it cannot be presumed to be a house site only on the apprehension that it may be put to use as a house site in future. Admittedly, in the present case the land in question is classified only as an agricultural land and it is dealt with only as an agricultural land. Therefore, the respondent cannot assume it to be a house site and refuse registration of the document. A clause shall be inserted in the sale deed to the effect that the land in question will be used as an agricultural land and as and when any steps are taken to convert it into plots, the same will be done only after getting necessary permission from the concerned authorities.

7.In the result, the impugned refusal check slip issued by the respondent, dated 13.08.2020, is hereby quashed and there shall be a direction to the respondent to register the sale deed by treating the property as an agricultural land, if it is otherwise in order and the necessary stamp duty and registration charges are paid.

8.Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub Registrar,
Joint - II Registration Office,
Tirunelveli - 627 001.

+1 CC to SPL GP (SR-20154[F] dated 24/06/2021)

Order made in
W.P. (MD) .No.11356 of 2020
23.06.2021

KM(01.07.2021) 3P 3C