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W.P.No.34126 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.34126 of 2014

and

M.P.No.1 of 2014

1. Muruganandam
2. Sakthivel Kumaran
3. Senthilkumar

Represented by their Power Agent  
M.Mahadeva Sharma

...Petitioners

Vs.

1. The Collector of Vellore District,  
Vellore District.
2. The Tahsildar,  
Walajah Taluk, Vellore District.
3. The Revenue Divisional Officer,  
Ranipet, Vellore District.
4. The District Registrar,  
Department of Registration,  
Vellore District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling the records in Na.Ka.A1/934/2014 dated



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25.08.2014 of the second respondent and quash the same.

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For Petitioners : Mr.S.V.Ramamurthy

For Respondents : Mr.P.Sathish, AGP.

### **ORDER**

The petitioners have filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records in respect of the order dated 25.08.2014 passed by the 2nd respondent in Na.Ka.A1/934/2014 and quash the same.

2. The case of the petitioners is that, the petitioners herein have executed a General Power of Attorney in favour of one Mahadeva Sharma. Thereafter, in order to sell the subject property as house sites, they have created a layout in the name and style of 'VIP City Prime Town', and obtained permission from the President of Chenna Samudhiram Panchayat office. Whiles, the petitioners came to know about the communication of the 2nd respondent dated 25.08.2014 in Na.Ka.A1/934/2014, thereby directing the Sub Registrar not to register certain properties, if No Objection Certificate from the District Collector is not obtained, and if the same is not



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authorised by the Government and if the same was presented for registration without following the procedures contemplated in the Registration Act, in which the petitioners' lands are also included. Hence, challenging the above said communication dated 25.08.2014, the present Writ petition is filed.

3. Learned counsel appearing for the petitioners submitted that, entertaining the documents presented for registration, is the prerogative right of the 4th respondent, whileso, the 2nd respondent, vide, communication dated 25.08.2014 in Na.Ka.A1/934/2014, issuing direction to the 4th respondent not to register the same is not sustainable. Further, the 2nd respondent has no such power to issue direction to the 4th respondent, restraining him from registering the documents presented before him for registration. Hence, he prayed for appropriate orders.

4. Learned Additional Government Pleader appearing on behalf of the respondents submitted that, though the petitioners have filed this Writ petition in the year 2014, however, subsequently, Section 22A was amended on 21.06.2016 and came into effect from 20.10.2016, wherein power was given to the 4th respondent not to entertain certain documents and can



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refuse the registration of documents, if the same was opposed to public policy. In the present case, the petitioners' property is unregistered and unapproved layout, which cannot be registered as per amended section 22A. He further submitted, it is only a mere communication between the 2nd respondent and the Sub-Registrar, and the petitioners cannot be the aggrieved parties and ultimately, the 4th respondent has to act as per the provisions contemplated in Registration Act. Hence, he prayed for dismissal of the present Writ petition.

5. Heard the arguments advanced on either side and perused the materials available on record.

6. Section 22A of the Registration Act on which reliance is placed is quoted hereunder:-

**22 A. Documents registration of which is opposed to public policy.** --(1) The State Government may, by notification, in the official Gazette, declare that the registration of any document or class of documents is opposed to public policy.

It is to be pointed out that the present order under challenge is merely an internal communication between the 2nd respondent and the Sub-



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Registrar and that, even if the communication is erroneous, it is for the Sub-Registrar to consider and decide on the same. Though the impugned communication had been issued in the year 2014, however, subsequently, Section 22 A of the Registration Act was amended and came into force from 2016, in which certain power was given to the respective Sub-Registrar to refuse to register certain documents. Such being the case, it is for the Sub-Registrar to consider the document and pass orders keeping in mind the provision under section 22A of the Registration Act

7. In view of the above, the prayer sought for by the petitioners cannot be acceded to. However, it is open to the petitioners to make application before the competent authority for approval of house sites and after obtaining necessary approval and No Objection Certificate, the petitioners are at liberty to present the same for registration.

8. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

**14.06.2022**



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Speaking Order : Yes/ No

Index : Yes/ No

To

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**M.DHANDAPANI,J.**

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