



W.P. No.26675 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.26675 of 2022

Vediyappan

... Petitioner

Vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Uthangarai,
Krishnagiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with refusal check slip issued by the respondent in RFL/Uthangarai/85/2022 dated 19.09.2022 and quash the same and consequently direct the respondent to register the sale deed dated 20.06.2022 presented by the petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mr.E.Sundaram
Government Advocate

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the refusal check slip issued by the



W.P. No.26675 of 2022

respondent in RFL/Uthangarai/85/2022 dated 19.09.2022 and consequently direct the respondent to register the sale deed dated 20.06.2022 presented by the petitioner.

2. The case of the petitioner is that the petitioner and his wife are the owners of the properties in S.Nos.28/1, 32/1A1, 32/1A2 and 28/1 of an extent of 1.97 acres, 0.66 acres, 0.49 acres and 0.64 acres respectively situated in Chennappaickanoor Village, Uthangarai Taluk, Krishnagiri District having purchased the same by virtue of Sale Deed dated 15.06.2004. As there is no pathway to the abovesaid lands, the petitioner was provided with a pathway of an extent of 1.5 cents in old No.16/4 new survey No.16/4A5A by the legal heirs of petitioner's vendor for a sale consideration. When the petitioner presented the said sale deed dated 20.06.2022, before the respondent for registration, the same was refused to be registered *vide* impugned refusal check slip dated 19.09.2022 on the ground that the subject property is unapproved and the same cannot be entertained as per Section 22A(2) of the Registration Act, 1908. Challenging the said impugned order, the present Writ Petition has been filed.

3. Though very many grounds have been raised in the present Writ



W.P. No.26675 of 2022

Petition, learned counsel for the petitioner at the time of arguments restricted his prayer and submitted that this Court, may permit the petitioner to approach the concerned authority of the Tamil Nadu Town and Country Planning for approval of the above subject property and if the same is granted in favour of the petitioner, he may be directed to present a fresh application before the respondent with regard to the registration of the above said Sale Deed dated 20.06.2022 and upon receipt of the said Sale Deed, the respondent may be directed to register the document presented by the petitioner.

4. The learned Government Advocate appearing for the respondent has no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the stand taken by the learned counsel appearing for the petitioner, this Court, without interfering the order under challenge, permits the petitioner to present a fresh application before the concerned authority of the Tamil Nadu Town and Country Planning for approval of the subject



W.P. No.26675 of 2022

property and if the said approval is granted in favour of the petitioner, liberty is granted to the petitioner to represent the sale deed dated 20.06.2022 before the respondent for registration and upon receipt of the same, the respondent is directed to entertain the document presented by the petitioner as expeditiously as possible. Accordingly, with the above observation and directions, this Writ Petition is disposed of. No costs.

10.10.2022

Index : Yes / No
Speaking order : Yes / No
RAP

To

The Sub-Registrar,
Office of the Sub-Registrar,
Uthangarai,
Krishnagiri District.



WEB COPY



W.P. No.26675 of 2022

M.DHANDAPANI, J.

RAP

W.P. No.26675 of 2022

10.10.2022