



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4270 of 2022

R.Vignesh

... Petitioner

/Vs./

The Sub Registrar,
Sankarankovil,
Tenkasi District.

... Respondent

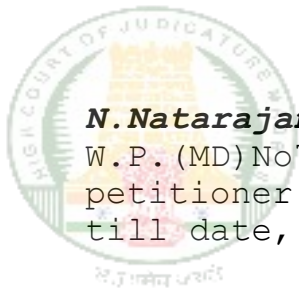
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondent to register the document to be submitted in respect of Natham Survey No.204/1, Sankarankovil Kaspavillage, Ward 30, Railway Feeder Road, Tenkasi District in the light of section 22(A) (2) of the Registration Act within a time frame by this Court.

For Petitioner : Mr.R.J.Karthick
For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to register the sale deed presented by the petitioner for registration in respect of Natham Survey No.204/1, Sankarankovil Kaspavillage, Ward 30, Railway Feeder Road, Tenkasi District, in the light of Section 22(A) (2) of the Registration Act, 1908 within a time frame to be fixed by this Court.

2.According to the petitioner, he has presented the aforementioned draft sale deed for registration with the respondent. But the same was not registered on the ground that it is not an approved house site. It is the contention of the petitioner that in the light of Section 22(A) (2) of the Registration Act, 1908, since the earlier document pertaining to the very same property was registered as house site, there is no necessity to obtain house site approval for the purpose of registering the documents. The petitioner has given a representation on 28.12.2021 citing the judgment of the learned Single Judge of this Court in the case of



N.Natarajan vs. The District Registrar, Tirunelveli and another in W.P.(MD)No7873 of 2021 dated 27.04.2021 in support of the petitioner's case. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.R.J.Karthick, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondent.

4.The learned counsel appearing for the petitioner drew the attention of this Court to Section 22(A)(2) of the Registration Act, 1908, and would submit that the said provision enables the registering authority to register the document, since earlier the same property was registered as a house site. He also drew the attention of this Court to the judgment of the learned Single Judge of this Court in the case of **N.Natarajan vs. The District Registrar, Tirunelveli and another** in W.P.(MD)No.7873 of 2021 dated 27.04.2021.

5.Relying upon the aforesaid judgment, he would further submit that Section 22(A)(2) of the Registration Act, 1908 was considered in the said decision and only in the light of the said decision, the petitioner presented the sale deed for registration. According to him, the sale deed ought to have been registered, since the property mentioned in the schedule was also the subject matter of registration in previous document. Therefore, according to him, only under Section 22(A)(2) of the Registration Act, 1908, the petitioner has presented the document for registration. But the respondent, by non-application of mind to the said provision has not registered the draft sale deed presented by the petitioner for registration.

6.However, it is the contention of the learned Additional Government Pleader appearing for the respondent that the description of property mentioned in the earlier document is different from the description mentioned in the sale deed presented by the petitioner for registration. Furthermore, he would submit that the draft sale deed cannot be registered, as it violates the Circular issued by the Inspector General of Registration and also Section 22(A)(2) of the Registration Act, 1908. The same is recorded.

7.After recording the submissions made by the respective counsels, this Court is of the considered view that no prejudice would be caused to the respondent, if the petitioner's representation seeking for registration of the draft sale deed is considered on merits and in accordance with law, in the light of Section 22(A)(2) of the Registration Act, 1908, as well as in the light of the Judgment of the learned Single Judge of this Court in the case of **N.Natarajan vs. The District Registrar, Tirunelveli and another** dated 27.04.2021 in WP(MD)No.7873 of 2021, within a timeframe to be fixed by this Court.



8. Accordingly, this Court directs the respondent to consider the petitioner's representation dated 28.12.2021 seeking for registration of the draft sale deed presented by him for registration in respect of the property being Natham Survey No.204/1, Sankarankovil Kaspas Village, Ward 30, Railway Feeder Road, Tenkasi District, in the light of Section 22(A)(2) of the Registration Act, 1908, as well as the Judgment of the learned Single Judge of this Court in the case of **N.Natarajan vs. The District Registrar, Tirunelveli and another** dated 27.04.2021 passed in WP(MD)No.7873 of 2021, and pass final orders, after affording a fair hearing to the petitioner, within a period of twelve [12] weeks from the date of receipt of a copy of this order. If the registering authority comes to the conclusion that the draft sale deed can be registered, the registering authority is directed to register the said document, if it is otherwise in order, within a period of one (1) week from the date of passing of the order.

9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Sub Registrar,
Sankarankovil,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-11531[F] dated 11/03/2022)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-11595[F] dated 11/03/2022)

order made in
W.P.[MD]No.4270 of 2022
Dated:10.03.2022

SM
MS/23.03.2022/3P.4C