



W.P(MD)No.11507 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 08.07.2022

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.11507 of 2022

Pushpavalli

... Petitioner

**Vs.**

The Sub Registrar,  
O/o. Sub Registrar Office,  
Kariapatti,  
Virudhunagar District.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of respondent in Na.Ka.No.196/2022 dated 23.05.2022 and quash the same as illegal and unconstitutional and consequently direct the respondent to accept the sale deed dated 28.02.2022 presented by the petitioner for registration in respect of property in S.No.31/217 admeasuring 1321.75 Sq.Ft of Kattukuthakai Karisalkulam Village, Karaipatti Taluk, Virudhunagar District and release the same after completion of legal formalities within the time that may be fixed by this Court.

For Petitioner : Mr.S.Balamurugan

For Respondent : Mr.J.K.Jeyaseelan,  
Government Advocate.



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## **ORDER**

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Heard the learned counsel on either side.

2.The petitioner purchased the petition mentioned plot measuring 1321.75 sq. ft. The respondent refused to register the same on the ground that it is not forming part of an approved layout. The petitioner challenges the said stand taken by the respondent on the ground that the petitioner's vendor had already purchased the said property in the year 2018 and therefore proviso will come to the petitioner's rescue. Section 22(a) of the Tamil Nadu Registration Act, 1908, mandates that the registering officer shall refuse to register the documents that fall under the categories set out therein. However, the authority is permitted to register the documents even without prior permission from the competent authority, if it is shown that the same house site has been previously registered as house site. Though this contention of the learned counsel of the petitioner is attractive, on a careful scrutiny, it has to be rejected. Section 22(a) of the Act was inserted by Tamil Nadu Act 2 of 2009 with effect from 20.10.2016. Hence, the previous registration must have taken place prior to 20.10.2016; otherwise the proviso cannot be pressed into service. In this case, even according to the petitioner, her vendor purchased the property as house



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site and the same was registered only in the year 2018, that is after the Tamil Nadu Act 2 of 2009 came into force. Therefore, I have to sustain the stand of the respondent and the writ petition has to be dismissed. However, the petitioner is given liberty to approach the competent authority for permission to register the property as house site. If such an application is given, the same will be disposed of within a period of four weeks thereafter.

3.With this liberty to the petitioner, the writ petition is dismissed. No costs.

**08.07.2022**

Index : Yes / No  
Internet : Yes/ No  
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To:

The Sub Registrar,  
O/o. Sub Registrar Office,  
Kariapatti,  
Virudhunagar District.



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**G.R.SWAMINATHAN, J.**

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