



W.P.No.11387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

W.P.No.11387 of 2023

and

W.M.P.No.11282 of 2023

1. Govinthasamy

2. Palanisamy

3. Radhamani

4. Priya

... Petitioners

**vs.**

1. The State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Commercial Taxes and Registration Department,  
Secretariat, St. George Fort,  
Chennai - 600 009.

2. The Inspector General of Registration and  
Chief Controlling Revenue Authority,  
Registration Department,  
Santhome, Chennai- 600 004.

3. The Sub- Registrar,  
Bhavani Sub-Registration office,  
Bhavani, Erode District.

... Respondents



W.P.No.11387 of 2023

**Prayer :-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the impugned refusal slip issued by the 3rd respondent dated 01.08.2022 and quash the same consequently direct the 3rd respondent to register the Lok Adalat Award and Settlement Memo dated 12.03.2022.

For Petitioners : Mr.K.Balu

For Respondents : Mr.D.Ravichander, Spl.G.P.

### **ORDER**

The writ on hand has been instituted to quash the refusal check slip issued by the third respondent on 01.08.2022.

2.The petitioners state that they are the absolute owners of the property, more fully described in the present writ petition. The petitioners have presented the award passed by the Lok Adalat for registration. The respondent Sub-Registrar refused to register to same and issued the impugned refusal check slip on the ground that the petitioners have not produced the copy of the land approval from the competent authority.



W.P.No.11387 of 2023

3.The learned counsel for the petitioner mainly contended that under Section 17 of the Registration Act, the award is to be registered compulsorily. Therefore, the registering authority ought not have refused registration.

4.The learned Special Government Pleader raised an objection by stating that the Sub Registrar has refused to register Lok Adalat Award and Settlement Memo mainly on the ground that the petitioners have failed to produce the approval from the competent authority. Therefore, the registering authorities is empowered to refuse registration in view of Section 22(A)(2) of the Registration Act. Sub Section 2 to Section 22(A) enumerates that "*instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned*". Therefore, the award presented by the petitioners have to be registered only after obtaining an appropriate approval from the planning authority and therefore, the impugned refusal check slip issued by the Registering authority is in consonance with the provisions of the Section 22 (A) of the Registration Act and thus, there is no infirmity as such.



W.P.No.11387 of 2023

5.The petitioners are at liberty to represent the document after obtaining permission / approval from the competent authority in the manner contemplated.

6.With these observations writ petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)  
Index : Yes  
Speaking Order  
Neutral Citation : Yes

03.07.2023



W.P.No.11387 of 2023

WEB COPY

To

1. The State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Commercial Taxes and Registration Department,  
Secretariat, St. George Fort,  
Chennai - 600 009.
2. The Inspector General of Registration and  
Chief Controlling Revenue Authority,  
Registration Department,  
Santhome, Chennai- 600 004.
3. The Sub- Registrar,  
Bhavani Sub-Registration office,  
Bhavani, Erode District.



WEB COPY



W.P.No.11387 of 2023

**S.M.SUBRAMANIAM. J.,**

(sha)

W.P.No.11387 of 2023

03.07.2023