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WP No.12941 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-06-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12941 of 2023

And

WMP No.12727 of 2023

M.Shanmugam

... Petitioner

Vs.

1. Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai-600 028,
Tamil Nadu.

2. The District Registrar-Chengalpattu District,
No.10, Kanchipuram High Road,
Chengalpattu Bazaar,
[Near Sub Jail, Opp. St. Joseph School],
Chengalpattu-603 002.

3. Joint Sub Registrar-II,
Chengalpattu,
No.10, Kanchipuram High Road,
Chengalpattu-603 002.

... 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 relating to order dated 23.02.2023 in RFL/Book 2/2/23 in Letter No.136 in Doc.No.P49/2023 passed by the third respondent and to quash the impugned order and to direct the third respondent to register the Sale Deed dated 20.02.2023 executed between M/s.Indus City Scapes Constructions Private Ltd and the petitioner as per due process of law

For Petitioner : Mr.P.V.S.Giridhar,
Senior Counsel for
M/s.P.V.S.Giridhar and Associates.

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader.

ORDER

The order impugned dated 23.02.2023 passed by the third respondent reveals that the petitioner has failed to furnish the copy of the approval nor the copy of Adangal, enabling the respondents to proceed with the Registration.



2. The petitioner states that he entered into a Sale Deed dated 20.02.2023 with M/s.Indus City Scape Construction Private Limited for a Farm land measuring acre 0.23 cents. The petitioner presented a document for registration and the third respondent returned the document by stating that the petitioner has to submit the copy of Adangal, since the land has been classified as an 'Agricultural Land'.

3. The learned Senior Counsel appearing on behalf of the petitioner reiterated that the said land is not being utilised for cultivation and to that effect, the petitioner has also filed an affidavit.

4. The additional affidavit filed by the petitioner states that he is interested in purchasing the Farm land and maintaining it as a Farm through the Cooperative Farming Initiative. The petitioner hailed from an Agrarian background from Thirupallimukkoodal Village in Thiruvavarur District. The petitioner further states that he is aware that he is purchasing only a piece of Farm land and not a house plot. Thus, the petitioner has expressed his intention to maintain the said land as Farm land and therefore,



there is no impediment for the Registering Authority to register the document presented by the petitioner. In this connection, it is relevant to extract paragraph-7 of the additional affidavit filed by the petitioner, which reads as under:-

“7. I hereby state that I will be using the land purchased for agriculture and farming related activities only. I further undertake not to change the land use or seek any reclassification of the land as housing layout and I will ensure that the farm land will be used for agriculture, horticulture, dairy farming and for keeping agricultural equipment and tethering cattle among other farming related activities and that I will abide by the land and rules applicable to use of agricultural land.”

5. The learned Additional Government Pleader, appearing on behalf of the respondents, raised an objection regarding payment of stamp duty. If at all there is any objection, the said objection is to be raised in accordance with law and in such circumstances, it is to be referred to the Deputy Collector (Stamp) under Section 47-A of the Stamp Act. However, the Registering Authority cannot refuse to register the document, since the



petitioner has given an undertaking that he will not convert the said land as house site or otherwise.

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6. In view of the facts and circumstances, the order impugned passed by the third respondent in proceedings RFL/Book 2/2/23 in Letter No.136 in Doc.No.P49/2023 dated 23.02.2023 is quashed. The respondents are directed to register the document presented by the petitioner as expeditiously as possible and by following the procedures as contemplated if the document is otherwise in accordance with the provisions of the Registration Act.

7. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

28-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM, J.

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