



WEB COPY



W.P.No.27683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27683 of 2023

Mr.Ilangovan

... Petitioner

Vs

The Sub Registrar,
Dhamal Register Office,
Kanchipuram District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent by proceedings impugned order of Refusal Check Slip in Refusal No.RFL/DAMAL/14/2023 dated 05.09.2023 and quash the same and consequently to direct the respondent/Sub Registrar to entertain the document submitted for registration and register the same in accordance with law.

For Petitioner : Mr.Sivakumar Rajappan

For Respondent : Mr.E.Sundaram,
Government Advocate.



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ORDER

The impugned Refusal Check Slip issued by the Sub-Registrar is under challenge in the present writ petition.

2. The petitioner states that he is the owner of the subject property, measuring two cents in Kancheepuram Taluk, Kilambi Village in Survey No.232/1B and now sub-divided into Survey No.232/1B1A1A1. The petitioner presented a sale deed for registration. The document was returned along with the impugned Check Slip on the ground that the petitioner has not produced the approval from the Planning Authority under the provisions of the Act and therefore, the document cannot be registered in view of the Section 22-A of the Registration Act.

3. The learned counsel for the petitioner mainly contented that the circular issued by the Inspector General of Registration dated 18.03.2020 referred by the District Registrar, Kancheepuram shall be sufficient for the purpose of registering the document. Pertinently the circular dated 18.03.2020 was issued prior to the amendment and insertion of Section 22-B of the Registration Act (i.e. on 16.08.2022) and thus, the said circular cannot



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Act.

be relied upon by the Authorities for the purpose of registering the document in violation of the conditions stipulated under Sections 22-A and 22-B of the Act.

4. Under Section 22-A(ii) of the Registration Act, the Registering Officer shall refuse to register an instrument relating to transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned.

5. The learned counsel for the petitioner states that the land could not be utilised for the purpose of construction of residential house. Therefore, approval from the Planning Authority is mandatory under Section 22-A(ii) of the Registration Act for the purpose of transferring the property.

6. In view of the facts and circumstances, the petitioner is at liberty to obtain approval from the Planning Authority in the manner contemplated and on production of the approval order, the Registering Authority shall proceed with the registration by following the procedures as contemplated.



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costs.



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7. With these observation, the Writ Petition stands dismissed. No

21.09.2023

veda/jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Sub Registrar,
Dhamal Register Office,
Kanchipuram District.



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S.M.SUBRAMANIAM, J.

veda/jeni

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