



WEB COPY



W.P.No.34263 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34263 of 2022

Manthiram

...Petitioner

Vs

The Sub Registrar,
Periyanaickenpalayam Sub Registrar Office,
Coimbatore District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Refusal Check Slip dated 29.11.2022 in RFL/Periyanaickenpalayam/91/2022 quash the same and consequently direct the respondent to entertain and register the Sale Deed dated 27.08.2022 in TP/127644731/2022.

For Petitioner : Mr.S.Rajasekar for
Mr.R.Anbukarasu

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader



W.P.No.34263 of 2022

ORDER

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Heard Mr.S.Rajasekar, learned counsel representing for Mr.R.Anbukarasu, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondent.

2.The writ petition has been filed, challenging the Refusal Check Slip dated 29.11.2022 and seeking for a direction to the respondent to entertain and register the Sale Deed dated 27.08.2022 in TP/127644731/ 2022.

3. When the petitioner herein had presented a Sale Deed dated 27.08.2022 before the respondent herein, the same has been refused for registration through the impugned Check Slip dated 29.11.2022 by stating that the land in question is an unapproved property, for which, a reliance has been placed on G.O. Ms. No.78, Housing and Urban Development [UD4(3)] Department dated 04.05.2017.



W.P.No.34263 of 2022

WEB COPY

4.The circumstances under which the Registering Authorities can refuse a document for registration has been provided under Section 22B of the Registration Act and except for the reasons stated therein, the Registration Authorities cannot refuse registration on any other ground.

5. The reasoning adopted by the third respondent, refusing to register the Sale Deeds, appears to be misplaced. G.O.Ms.No.78 dated 04.05.2017, does not relate to the powers of the Registering Authority to register an unapproved plot. On the other hand, G.O.Ms.No.78, only provides for the cut off date for considering the regularization of unapproved plots and does not empower the Registering Authority to refuse registration of an unapproved plot. It is also not in dispute that there is no other Government Order or Circular of the Inspector General of Registration, which prohibits the registration of an unapproved plot.

6.This apart, the learned counsel for the petitioner produced copies of the approval order dated 27.06.2022, which evidences that the properties, which are the subject matter of the Sale Deed, have already been approved by the concerned authorities.



W.P.No.34263 of 2022

WEB COPY

7.In the light of the above order, the reason assigned in the Refusal Check Slip is also a factual mistake and could be said to be of non application of mind.

8.For all the foregoing reasons, the impugned Refusal Check Slip dated 29.11.2022 is quashed. Consequently, the petitioner is at liberty to present the Sale Deed before the respondent herein as expeditiously as possible and on receipt of the same, the respondent shall register it, within a period of two weeks therefrom, if it is otherwise in order.

9.With the above observations, the writ petition stands allowed. No costs.

19.04.2023

Index:Yes/No
Speaking order/Non-speaking order

Note:Issue order copy on 28.04.2023

DP/vga



W.P.No.34263 of 2022

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To

The Sub Registrar,
Periyanaickenpalayam Sub Registrar Office,
Coimbatore District.



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W.P.No.34263 of 2022

M.S.RAMESH,J.

DP/vga

W.P.No.34263 of 2022

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