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W.P.(MD)No.844 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.844 of 2023

1.D.Gangai Amaran

2.V.M.Ramkumar

... Petitioners

Vs.

The Sub-Registrar,
Nilakottai,
Dindigul District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip of the respondent in RFL/Nilakottai/10/2022 dated 28.12.2022 and quash the same and consequently direct the respondent to register the Sale Deed dated 28.12.2022 within the time fixed by this Court.

For Petitioners : Mr.B.Azhagesh

For Respondent : Mr.N.Satheeskumar
Additional Government Pleader

**ORDER**

WEB COPY Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondent.

2. The petitioner presented the petition mentioned sale deed for registration. The respondent declined to entertain the same. Instead he issued a refusal check slip. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of this petition and called upon this Court to set aside the impugned refusal check slip and grant relief as prayed for.

4. I am not persuaded by the said submissions. The learned Additional Government Pleader on instructions, pointed out that the second petitioner V.M.Ramkumar had purchased 82 cents of land in the petition mentioned survey number way back in the year 2012. He had without getting approval from the concerned parties, developed the site. The area was named as Sri Lakshmi Nagar and the second petitioner has



parceled the entire extent and has been selling it by way of individual plots. In view of these developments, the guideline value had also been accordingly revised. The petitioner is now proposing to sell the remaining extent of 10 ½ cents of land. Section 22A of the Indian Registration Act, now comes in the way.

5. Unless the petitioner gets permission for converting the land as residential plot, he cannot sell the same. Till then, the stand taken by the respondent will have to be sustained. Liberty is given to the petitioner to move the concerned authorities for regularization of the plot. Once the respondents are able to regularize the plot, the petitioner can sell the plot in question. The impugned stand of the respondent is sustained. This Writ Petition is disposed of with the afore said liberty to the petitioners. No costs.

20.02.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes/ No

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To

The Sub-Registrar,
Nilakottai,
Dindigul District.



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G.R.SWAMINATHAN,J.

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