



WP (MD) No.18769 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.18769 of 2023

and

WMP (MD) Nos.15598 and 15601 of 2023

K.Ananthamanikandan

... Petitioner

Vs

1.The District Registrar,
Office of the District Registration Office,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.

2.The Sub Registrar,
Mukudal Sub Registration Office,
Mududal,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the impugned order passed by the 2nd respondent order vide refusal No.RFL/Mukkudal/37/2023, dated 07.06.2023 and quash the same and consequently direct the 2nd respondent to accept and register the petitioner's sale deed in accordance with law.



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For petitioner : Mr.S.Krishnan
For Respondent : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The document submitted by the petitioner on 07.06.2023 was returned by the Sub Registrar vide refusal check slip, that it is as against the provisions of Section 22(A) of the Registration Act. Challenging the same this writ petition is filed.

2.The learned Counsel for the petitioner submits that the land in survey No.69/1C is to an extent of 15 acres and 41 cents, of the same, the petitioner has purchased 44.88 cents and it has been sub divided as S.No.69/1C1A. In order to meet out his medical expenses, the petitioner has proposed to sell the property and therefore, he has submitted the document for registration. However, the 2nd respondent by referring Section 22(A) of the Registration Act, has refused to register the same.



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3.The learned Additional Government Pleader appearing for the respondents submits that the land in S.No.69/1C was already sub divided as housing plots and has been sold. The petitioner has purchased it as housing plots and now proposed to sell it as housing plots. Further without the approval of the Town and Country Planning Authority, the registering authority is not supposed to register the documents as per Section 22(A) of the Registration Act. Therefore, the document was refused to be registered.

4.This Court considering the rival submissions and perused the materials placed on record.

5.The petitioner claims that it is an agricultural land and only in order to meet out his medical expenses, he is selling the property. Therefore, this writ petition is allowed. The document may be registered as agricultural land. The impugned order is set aside. No costs. Consequently connected miscellaneous petitions are closed.

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Internet : Yes / No

Index : Yes/ No

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B.PUGALENDHI, J.

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