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W.P.(MD)No.23943 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.23943 of 2022

Subburaj

... Petitioner

Vs.

The Joint Sub Registrar-I,
Thoothukudi,
Thoothukudi District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned refusal check slip in TP/128232014/2022 of the respondent dated 10.08.2022 and quash the same as illegal and consequently direct the respondent to register the sale deed executed by the petitioner in favour of J.Cyrus.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.M.Siddharthan
Additional Government Pleader



W.P.(MD)No.23943 of 2022

WEB COPY

ORDER

Heard both sides.

2.The writ petitioner purchased the petition mentioned land measuring less than 5 cents vide sale deed dated 20.10.2021. It is a registered document. Now the petitioner wants to alienate the same. When the sale deed was presented, the respondent refused to register. It was on the ground that the audit unit has raised objections regarding the valuation shown in respect of the petition mentioned land in the document of the petitioner's vendor's parent document.

3.Registration can be refused by invoking Section 22(A) or Section 22(B) of the Registration Act, 1908. The reason set out in the impugned refusal check slip is not traceable to either of the statutory provisions. It is not even the case of the respondent that proceedings under Section 47(A) of the Stamp Act are pending. Therefore, the impugned refusal check slip is quashed.



W.P.(MD)No.23943 of 2022

WEB COPY

4.In the counter affidavit it has also been additionally argued that the petition mentioned site has not been approved by the competent authority. This reason again will not hold good. This is because the petitioner purchased the petition mentioned property as punja land. He is also proposing to sell the same only as a piece of agricultural land. Since the subject matter of conveyance has been explicitly described as an agricultural land and not as a house site, invoking Section 22-A of the Registration Act, 1908 is misplaced. Of course, if the purchaser wants to develop the property, he has to necessarily get the approval from the competent authority for reclassification. For the present, the prohibitory sweep of Section 22-A of the Registration Act, 1908 will not apply. The impugned refusal check slip is quashed.

5.The petitioner is permitted to re-present the document. It shall be received, registered and released subject to the fulfilment of the other usual formalities.



W.P.(MD)No.23943 of 2022

WEB COPY

6.This writ petition is allowed accordingly. There shall be no order as to costs.

15.12.2023

NCC :No
Internet :Yes
Index :No
MGA

To

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Thoothukudi,
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W.P.(MD)No.23943 of 2022

G.R.SWAMINATHAN, J.

MGA

W.P.(MD)No.23943 of 2022

15.12.2023