



W.P(MD)No.885 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.885 of 2022

Mohamed Abdul Rifayee

... Petitioner

Vs.

The Sub Registrar
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli - 5.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in Refusal No.RFL/Melapalayam/52/2021 dated 20.10.2021 and quash the same and further directing the respondent to register the sale deed of the petitioner for the property in Survey No.26 admeasuring 1.75 cents of 4.75 cents situated in Palayamkottai Registration District, Melapalayam Sub Registrar Office, Palayamkottai Taluk, Melapalayam Village.



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For Petitioner : Mr.T.Selvan

For Respondent : Mr.M.Prakash
Additional Government Pleader

ORDER

The writ petition has been filed seeking interference with an order of the respondent, Sub Registrar, Melapalayam Sub Registrar Office, Melapalayam, Tirunelveli, dated 20.10.2021. By the said order the respondent had refused to register the sale deed presented by the petitioner for registration with respect to the property at Survey No.26 measuring 1.75 cents out of 4.75 cents situated at Melapalayam Village, Palayamkottai, Tirunelveli District.

2. The respondent had refused to register the sale deed presented on the ground that the plots are unapproved. However, the learned counsel for the petitioner places reliance on G.O.Ms.No.51, dated 22.01.2020, by which Government Order, the purchase made by Rugmani, the vendor of the petitioner had been regularised by the



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Government. This is a fact which has to be considered by the respondent.

3. In view of that particular Government Order passed, the impugned order is set aside and the matter is remitted back to the respondent, who may issue notice to the petitioner and thereafter, examine the applicability of G.O.Ms.No.51 dated 22.01.2020 and then take a considered decision relating to the registration of the sale deed presented by the petitioner herein.

4. The writ petition is, therefore, allowed and the matter is remitted back to the file of the respondent. The said respondent may pass necessary orders within a period of four weeks from the date of presentation of the sale deed afresh by the petitioner herein. No costs.

09.03.2023

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

RM

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To

The Sub Registrar
Melapalayam Sub Registrar Office,
Melapalayam,
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C.V.KARTHIKEYAN, J.

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