



W.P(MD)No.22823 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22823 of 2023

and

W.M.P.(MD).Nos. 19054 and 19055 of 2023

1.V.S.Velayutham

2.Vivekraj

... Petitioners

Vs.

1.The District Registrar,
Tenkasi District.

2.The Sub-Registrar,
Sankarankovil,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip RFL/Sankarankovil/49/2023 dated 28.08.2023 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to register the sale deed executed by the 1st petitioner in favour of 2nd petitioner Mr.V.Vivekraj



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For Petitioner : Mr.N.Dilipkumar
For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard both sides.

2. The first petitioner executed a sale deed dated 14.06.2023 in favour of the second petitioner. It was presented for registration before the second respondent. The second respondent declined to entertain the document and issued the impugned refusal check slip. Questioning the same, the present writ petition came to be filed.

3. Learned counsel for the 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 order and grant relief as prayed for.

4. Learned Additional Government Pleader appearing for the respondent submitted that the second respondent has only taken note of the statutory mandate set out under Section 22A of the Registration Act and declined to register the document. Since a statutory authority cannot



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be permitted to act contrary to law, the learned Additional Government Pleader wanted this Court to sustain the impugned refusal check slip. He pressed for dismissal of the writ petition.

5.I have carefully considered the rival submissions and went through the materials on record. Section 22A of the Registration Act, no doubt bars a land owner from selling a house site, unless it is a part of an approved lay out. This statutory bar came into effect on 20.10.2016.

6. In this case, it is clarified that the subject matter of conveyance is only a part of an agricultural land and not a house site. I went through the description set out in the schedule. It is stated that the first petitioner is selling a piece of Punja land in favour of the second petitioner. Therefore, this takes the present transaction out of the prohibitory sweep of Section 22A of the Registration Act. It is further undertaken by the second respondent that only after getting approval from the competent authorities for reclassification, he will put up construction or development in the property in any manner.



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7. The other reasons set out in the impugned refusal check slip are also not sustainable. Admittedly, the first petitioner is having patta for the land. Merely because what is sold is a part of a larger extent it is not necessary to first effect sub division and thereafter sell the same. The second respondent's name can very well be included as a joint pattathar after the sale transaction is concluded. The impugned refusal check slip is set aside. The petitioners are permitted to re-present the document before the second respondent. The second respondent will receive the same, register it and release it, subject to the fulfilment of the other usual formalities.

8. Accordingly, this Writ Petition is allowed. Consequently, connected miscellaneous petitions are closed.

03.11.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The District Registrar, Tenkasi District.
- 2.The Sub-Registrar, Sankarankovil, Tenkasi District. Madurai.



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G.R.SWAMINATHAN, J

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Order made in
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