



WEB COPY



W.P.No.3043 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.3043 of 2022

Govindan @ Govindaraj

.. Petitioner

Vs

The Sub Registrar
Sub Registrar Office
Palacode
Dharmapuri District

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in reference of refusal check slip dated 22.10.2021 and quash the same and direct the respondent to register the sale deed on presentation by the petitioner.

For Petitioner	: Mr.V.R.Annagandhi
For Respondent	: Mr.Stalin Abhimanyu Additional Government Pleader

ORDER

This writ petition has been filed challenging the Refusal Check Slip dated 22.10.2021 issued by the respondent, refusing to register the sale deed dated



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09.10.2021 executed by the petitioner and for a direction to the respondent to

register the said sale deed dated 09.10.2021.

2. The case of the petitioner in brief is as follows:

2.1. The petitioner was allotted 7 cents of land in S.F.No.1040/2A, Palacode Village and Taluk, Dharmapuri District, from his joint family property viz., larger extent of land in S.F.No.1040/2, by virtue of the decree dated 15.03.2019, passed by the learned Sub Judge, Palacode, in O.S.No.24 of 2019 filed for partition and separate possession.

2.2. The petitioner had entered into a sale agreement with one Shanmugam agreeing to sell 7 cents of land in S.F.No.1040/2A. As dispute arose between them pertaining to the said sale agreement, the said Shanmugam had filed O.S.No.126 of 2021, for the relief of specific performance. Pending suit, the matter was referred to Lok Adalat, where the parties have arrived at a compromise and accordingly, an award was passed on 11.09.2021.

2.3. Following the award dated 11.09.2021, the petitioner executed a sale deed on 09.10.2021 and when the same was presented for registration before the respondent, it was rejected on the ground that the land has been converted as house site, without the permission for development from the planning authority concerned, as contemplated under Section 22-A of the



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Registration Act, 1908. The said rejection order is under challenge in this writ petition.

3. The grievance of the petitioner is that the respondent did not give any opportunity to the petitioner to explain the nature of transaction that the land has never been transferred as house site at all and therefore, the provisions contained in Section 22-A of the Registration Act, 1908 and the circular issued by the Inspector General of Registration, would not apply to the facts of his case.

4. In the counter affidavit filed by the respondent, it has been stated that when the property referred to in the sale deed executed by the petitioner was examined from the previous registration of documents in S.No1040/2A, it came to light that the property was converted as house site without approval from the planning authority, which is not permissible as per Section 22-A of the Registration Act, 1908 and therefore, the respondent refused to register the sale deed presented by the petitioner for registration. Further, the petitioner himself has admitted that the property is in unapproved layout. Hence, the respondent prays for dismissal of the writ petition.



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5. Heard the learned counsel appearing for the petitioner and the

learned Additional Government Pleader appearing for the respondent.

6. The learned counsel for the petitioner vehemently contended that the respondent had not at all considered the fact that the earlier transactions in respect of the same survey number, were made only as agricultural lands and the petitioner had acquired the land in question in a partition decree and therefore, the said circular relied upon by the respondent as well as the provisions contained in Section 22-A of the Registration Act, 1908, would not apply to the facts of case of the petitioner.

7. *Per contra*, the learned Additional Government Pleader appearing for the respondent would contend that there is a clear bar for the registration of the document in question under Section 22-A of the Registration Act as far as unapproved layout is concerned. Hence, he would contend that the impugned order is within the frame work of law and when the law prohibits registration of certain documents, registering house sites developed without the permission for development of such land from planning authority concerned, the petitioner cannot seek registration. Hence, the learned Additional Government Pleader opposed the writ petition.



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8. This Court has considered the rival submissions and also perused

the records carefully.

9. Since the issue involved in this writ petition has already been decided in ***D.Rajamanickam Vs. The Sub Registrar (W.P.No.426 of 2022 decided on 01.07.2024)***, following the same, the impugned refusal check slip is set aside and the respondent is directed to register the sale deed presented by the petitioner for registration within a period of 15 days from the date of receipt of a copy of this order. No costs.

With the above direction, this writ petition stands allowed. No costs.

05.07.2024

gya

Index : Yes/No

Neutral Citation : Yes/No

To
The Sub Registrar
Sub Registrar Office
Palacode
Dharmapuri District



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N.SATHISH KUMAR, J.

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