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W.P. No.18145 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. No.18145 of 2023

V.Kasthuri

... Petitioner

Vs

The Joint - I Sub Registrar
(District Registrar Cadre)
1/529, Nerupperichal Village
Pooluvapatti Post
Tirupur - 641 602

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent relating to the impugned order bearing Refusal Number: RFL/Joint - I Sub Registrar Tiruppur/45/2023 dated 15.03.2023 and quash the same and consequently direct the respondents to register the Settlement Deed dated 15.03.2023 executed by the petitioner.

For Petitioner : Ms.T.Gowthaman, Senior Counsel
for Ms.S.Karpagapriya

For Respondent : Mr.B.Vijay, Addl. Govt. Pleader



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ORDER

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Challenge has been made to the refusal slip issued by the respondent on the ground that patta produced by the petitioner though indicate natham house site, it is also shown as the government land.

2. It is to be noted that the property sought to be registered, is a house site and the house was in existence for more than 25 years, as per the records, which is also perused by the Sub Registrar. If any land is earmarked as natham, it is primarily meant for construction of house/s, such land will not vest with the Government. Such being the position, when the building was already in existence for more than 25 years, merely because of wrong classification in one of the columns in the patta, the land owners cannot be deprived the right to enjoy the property by citing some circulars and orders. Hence when the land, which was allotted as house site, which was in continuous possession of various persons and construction has been put up, said document will not fall within the ambit of Section 22A of the Registration Act. Accordingly, the impugned order is liable to be quashed.



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In the result, the impugned order of the respondent dated 15.03.2023 is quashed. The respondent is directed to register the settlement deed presented by the petitioner on 15.03.2023, within a period of one month from the date of receipt of a copy of this order. No costs.

26.06.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Joint - I Sub Registrar
(District Registrar Cadre)
1/529, Nerupperichal Village
Pooluvapatti Post
Tirupur - 641 602

2.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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