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W.P.No.24539 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.24539 of 2024**

J.Vanitha

... Petitioner

VS.

1.The District Registrar,  
Namakkal District,  
Namakkal.

2.The Sub-Registrar,  
Sub-Registrar Office,  
Mohanur,  
Namakkal District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> Respondent relating to Refusal No.RFL/Mohanur/76/2024 dated 18.06.2024 and quash the same, further direct the 2<sup>nd</sup> Respondent to register Sale Deed dated 28.05.2004 and return the original registered deed in accordance with law.

For Petitioner : Mr.A.M.Amutha Ganesh



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For Respondents : Mr.M.Shahjahan  
Special Government Pleader

### **ORDER**

Heard the argument of Mr.A.M.Amutha Ganesh, learned counsel appearing for the and Mr.M.Shahjahan, learned Special Government Pleader to that of the respondents.

2. The Writ Petition itself is taken up for hearing with consent of both the parties at the admission stage itself.

3. The writ petition is filed challenging the order passed by the 2<sup>nd</sup> respondent refusing to register the Sale Deed dated 28.05.2004.

4. According to the petitioner, the agricultural lands bearing Survey No.300/6B measuring to an extent of 63 cents and Survey No.300/5A1A1 measuring to an extent of 26 cents situated in Andapuram Village, Mohanur Taluk, Namakkal District, originally belongs to one Palanivel under Sale



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Deed registered as Document Nos.1686 and 1687/2008 on the file of the Sub-Registrar, Mohanur. The petitioner negotiated for purchase of the above said agricultural land and after settlement of amount, a Sale Deed was executed by Palanivel in her favour on 28.05.2004 and the same was presented for registration before the 2<sup>nd</sup> respondent.

5. The 2<sup>nd</sup> respondent refused registration on the ground that the adjacent lands are developed as housing plots in the name of JBS Nagar and those lands were registered as a housing plots. The 2<sup>nd</sup> respondent directed the petitioner to represent the document with DTCP approval order. Merely because, the adjacent agricultural lands are converted into housing plots and registered as such, the 2<sup>nd</sup> respondent cannot compel the petitioner to develop her agricultural lands and obtained permission from DTCP Department. It is asserted by the petitioner that land in question is agricultural land and she wants to purchase the agricultural land from its owner Palanivel. In the Sale Deed presented for registration, the subject land has been clearly described as agricultural land.

6. When the subject land is clearly described as agricultural land in



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the document presented for registration, it is not open to the 2<sup>nd</sup> respondent to insist production of approval order from the Competent Authority as if, it is a developed plot. Therefore, the impugned order passed by the 2<sup>nd</sup> respondent in Refusal Check Slip No.RFL/Mohanur/76/2024, dated 18.06.2024 is not legally sustainable and accordingly, the same is quashed.

7. The Writ Petition stands allowed. The petitioner is directed to represent the document for registration within a period of two weeks from the date of receipt of a copy of this order. The 2<sup>nd</sup> respondent shall register the same, if it is otherwise in order. No costs.

**27.08.2024**

Index : Yes/No  
Speaking order:Yes/No  
Neutral Citation:Yes/No  
dm



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To

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Namakkal District,  
Namakkal.
2. The Sub-Registrar,  
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**S.SOUNTHAR, J.**

dm

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