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W.P.No.32717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.32717 of 2024
and
W.M.P.No.35558 of 2024

Mr.Mario Pinto

... Petitioner

Vs.

1. The Government of Tamil Nadu,
By its Secretary to Government,
Commercial Taxes,
Registration and Stamp Act,
Secretariat, Fort St.George,
Rajaji Salai,
Chennai – 600 101.

2. The Sub-Registrar,
Thirukalzhkundram,
Thirukalzhkundram Taluk,
Chengalpattu District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarifi to quash the Refusal Check Slip No.RFL/Thirukalzhkundram/Book 2/1 dated 18.01.2023 passed by the 2nd Respondent, the Sub-Registrar, Thirukalzhkundram, Thirukalzhkundram Taluk, Chengalpattu District.



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For Petitioner : Mr.N.B.N.Swamy
For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

Challenging the Refusal Check Slip issued by the 2nd Respondent dated 18.01.2023, refusing to register the Sale Deed presented by the Petitioner on the ground that the property in question is an unregistered house site, the Petitioner is before this Court.

2. Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the Respondents.

3. Perusal of the records submitted before this Court would clearly indicate that the Petitioner's vendor had purchased this property in question under the registered Sale Deed dated 16.10.2018. The description of the property therein is the very same property i.e., the subject matter of the present Sale Deed.



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4. The proviso to Section 22A(2) of the Registration Act, 1908 (Central Act XVI of 1908) provides that house sites without approval can be registered, if the same house site has been previously registered.

5. Considering the fact that the property in question has already been registered earlier and taking into account the proviso to Section 22 A(2) of the Registration Act, 1908 (Central Act XVI of 1908), the impugned Refusal Check Slip dated 13.01.2023 is liable to be quashed and is accordingly quashed. Therefore, the Writ Petition is allowed by directing the 2nd Respondent to register the petitioner's Sale Deed and pass appropriate orders in accordance with law within a period of two (2) weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is closed.

07.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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P.T.ASHA, J.

rgm

To

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