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W.P.No.31779 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.31779 of 2024

and

WMP.No.34532 of 2024

K.Srinivasan

...Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram, Chennai - 600 028.
2. The Sub Registrar,
Joint 4 Kanchipuram Sub Registrar Officer,
Kamarajar Road, Taluk Office Campus,
Kanchipuram - 631 501.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of impugned order passed by the second respondent in Na.Ka.No.17 of 2024, dated 08.01.2024 and quash the same as illegal, arbitrary and non-est in law and consequently, direct the second respondent to register the executed sale deed dated 10.04.2023 and release the registered sale deed to the petitioner



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within the time period stipulated by this Court.

For Petitioner : Mr.S.Santosh

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition is filed challenging the order passed by the second respondent refusing to register the sale deed presented for registration on the ground that the petitioner failed to produce any order passed by the planning authority approving plan for the development of the subject property as a house site and also on the ground that the petitioner failed to produce patta in respect of the property covered under the document.

2. It is the case of the petitioner that the subject property originally belonged to one K.Kalayanasundram and he entered into an agreement with one Valayapathy on 07.03.1988 for sale of the same. Subsequently, the said K.Kalayanasundram failed to execute the sale deed and died leaving behind his legal heirs. The said Valayapathy instituted a suit for specific performance against the legal heirs of K.Kalayanasundram and the same was decreed on 27.11.2013 with a direction to execute the sale deed. The sale deed was executed by court on 29.04.2019 in favour of Valayapathy as per the decree



passed it. Subsequently, the said Valayapathy settled the subject property to the petitioner's vendor under registered settlement deed dated 03.05.2019.

Now, the petitioner purchased a portion of the said property and the sale deed executed in favour of the petitioner was presented for registration before the second respondent, and the same was refused on the ground that the petitioner failed to produce any planning permission from the competent planning authority and patta did not stand in favour of the petitioner's vendor. Aggrieved by the same, the petitioner is before this court.

3. The learned counsel for the petitioner, by relying on sections 22-A (2) of the Registration Act, submitted that there was no conversion of vacant land into house site before execution of the sale deed and therefore, the reasoning assigned to refuse registration is not correct and bar under said section is not attracted. It is further submitted that the failure to produce the revenue document, such as, patta in the name of the petitioner or his vendor, cannot be a ground to refuse registration, in the light of the judgment of this Court in ***Subramani vs. Sub Registrar and others*** reported in ***(2024) 3 MLJ 588***.

4. Mr. B.Vijay, learned Additional Government Pleader, who takes notice for the respondents, submitted that challenging the order impugned herein, the



petitioner already filed an appeal under Section 73 of the Registration Act before the District Registrar, and the same is pending.

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5. In view of the fact that the order impugned in this writ petition has already been challenged by the petitioner by availing alternative remedy of statutory appeal under Section 73 of the Registration Act, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. However, the appellant authority viz., District Registrar, Kanchipuram is directed to dispose of the appeal within a period of eight weeks from the date of receipt of a copy of this order. The Registry is directed to mark a copy of this order to the District Registrar, Kanchipuram, who shall dispose the appeal in the light of proviso to section 22 A (2) of the Registration Act. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. The Inspector General of Registration,
100, Santhome High Road,
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2. The Sub Registrar,
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Kamarajar Road, Taluk Office Campus,
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3. The District Registrar, Kanchipuram.



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S. SOUNTHAR, J.

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