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W.P. No.32466 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P. No.32466 of 2024

Saravanan

... 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,
Pernanampattu Sub-Registrar Office,
Melpatti Road, Banglow Medu,
Pernampattu-635 810.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling the records of impugned order passed by the 2nd Respondent in RFL/Pernampattu/5/2024, dated 25.09.2024 and quash the same as illegal, arbitrary and non-est in law and consequently direct the 2nd Respondent to register the executed sale deed dated 25.09.2024 and release the registered sale deed to the petitioner within the time stipulated by this Court.

For Petitioner

: Mr.Eswar

For Respondents

: Mr.B.Vijay
Additional Government Pleader



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ORDER

Aggrieved by the impugned refusal slip issued by the 2nd Respondent refusing to register the audit document presented for registration on the ground that an audit objection was raised in respect of the parent document treating the same as a document registered in violation of Section 22A of the Registration Act, the petitioner has come before this Court.

2. The subject property was originally purchased by petitioner from one Narasiman. The said Narasiman executed a sale deed in favour of the petitioner on 22.04.2022 vide Document No.1324 of 2022. The 2nd Respondent doubted the marked value and referred the matter under Section 47A of the Indian Stamp Act. Pursuant to the final determination of the value, the petitioner also paid the deficit stamp duty under protest on 18.06.2024. Now, the petitioner executed a sale deed on 25.09.2024 in favour of one Nantheesvarayadav and the same was presented for registration before the 2nd Respondent. The registration of the said document was refused mainly on the ground that the title document of the petitioner was registered as an agricultural land in violation of Section 22A of the Registration Act. Therefore, the present document cannot be considered for registration. It is not in dispute that the sale deed in favour of the petitioner dated 22.04.2022 was already registered as Document No.1324 of 2022 on the file of



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the 2nd Respondent.

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3. Perusal of the above document would suggest the subject property was described as agricultural punja land. Even in the present document, the property is described as punja land. Therefore, when the document is described as agricultural punja land and sold as such, the question of violation of Section 22A of the Registration Act would not arise. Only if subject property is sold as house site without proper planning permission, Section 22(A)(2) of Registration Act will get attracted. In the instant case, the said section will not get attracted as the property is sold as agricultural land. Hence, the impugned refusal slip is set aside and the writ petition is allowed. The petitioner is directed to represent the document before the 2nd Respondent within a period of two weeks from the date of receipt of a copy of this order, the same shall be registered by the 2nd Respondent, if it is otherwise in order. No costs.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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S. SOUNTHAR, J.

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To:

- 1.The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram, Chennai-600 028.
- 2.The Sub-Registrar,
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