



W.P.Nos.37131 & 37132 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.Nos.37131 & 37132 of 2024

In both W.P's:-

J.Kalaiselvi

...Petitioner

Vs

The Sub Registrar,
Office of Sub-Registrar,
Mulanur, Tiruppur District.

...Respondent

PRAYER in W.P.No.37131 of 2024 :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records of the respondent relating to the impugned Check Slip No. RFL/Mulanur/54/2024 dated 18.11.2024 issued by the respondent and to quash the same as illegal and consequently direct the respondent to register the sale deed dated 18.11.2024 presented by the Petitioner for registration and release the same to the Petitioner.

PRAYER in W.P.No.37132 of 2024 :-Writ Petition filed under



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Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records of the respondent relating to the impugned Check Slip No. RFL/Mulanur/53/2024 dated 18.11.2024 issued by the respondent and to quash the same as illegal and consequently direct the respondent to register the sale deed dated 18.11.2024 presented by the Petitioner for registration and release the same to the Petitioner.

In both W.P's:-

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.P.Harish (for sole respondent)
Government Advocate

COMMON ORDER

Challenging the refusal cheque slip issued by the respondent the petitioner is before this Court.

2.The petitioner's contention is that he had purchased an extent of 21 $\frac{3}{4}$ cents in survey No.204/1, presently Sub-Division Survey No.204/1A1 from one Chandrasekaran under a registered sale deed dated 01.07.2021. From the date of purchase the land has been kept vacant. The petitioner had thereafter decided to sell the property and one



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Sundaram had approached the petitioner for purchasing the same. The petitioner had also executed a sale deed dated 18.11.2024 in favour of the said Sundaram. When the sale deed was presented for registration it has been returned on the ground that the land in question is an unapproved plot and therefore Section 22 A of the Registration Act as amended by the Tamil Nadu Registration Act prevents sale of agricultural lands converted into unauthorised housing plots and therefore document was refused to be registered. Aggrieved by the same, the petitioner is before this Court.

3.The learned counsel for the respondent would submit that the lands in question have not been formed into a house site in the year 2010. A larger extent was sold and the remaining portion has been settled by the petitioner's vendor on his wife and the petitioner purchased 21 ³/₄ cents from his vendor. The very description of the property in the impugned sale deed would also show that the property has not been sold in the form of a housing site. The respondent had not even called the petitioner for an enquiry, they had summoned the petitioner for a clarification the same could have been clarified immediately.



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4.The learned Government Advocate would submit that the property is being sold as house site and therefore the respondent had issued the refusal cheque slip.

5.Heard the learned counsel on either sides. The learned Government Advocate takes notice on behalf of the respondent.

6.On perusal of the sale deed in question and all the original documents would clearly show that the nature of the property continues to remain as an agricultural land. The photograph which has been appended to the typed set of papers would also indicate that the property is an agricultural property and there are no roads formed therein. The patta also describes the property as a punja land. Earlier sale deeds in respect of the very same survey number also describes the property so. Therefore, the reason for refusing to register the sale deed cannot be countenanced and accordingly the Writ Petition is allowed. The respondent shall register the sale deed dated 18.11.2024 within a period of two weeks from the date of receipt of representation of the sale deed by the petitioner.



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7. Accordingly, the Writ Petitions are allowed. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To
The Sub Registrar,
Office of Sub-Registrar,
Mulanur, Tiruppur District.



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