



Order dated 26.02.2024
in W.P.No.1102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.1102 of 2024
and W.M.P.No.1156 of 2024

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S.Sengottian

.. Petitioner

Vs.

1. The District Registrar,
Erode District, Erode.

2. The Sub-Registrar,
Kavindapadi,
Erode District, Erode.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of the second respondent pertaining to his proceedings dated 17.02.2023 in RFL/Kavindapadi/51/2023 and quash the same.

For petitioner : Mr.K.S.Karthik Raja

For respondents: Mr.Yogesh Kannadasan, Spl.G.P.



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ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorari to call for the records of the second respondent pertaining to his proceedings dated 17.02.2023 in RFL/Kavindapadi/51/2023 and quash the same.

2. Learned counsel for the petitioner submitted that the property in question is an agricultural land and even in the Encumbrance Certificate and the earlier documents, it was registered only as an agricultural land and still it continued as agricultural land only, and therefore, the impugned order passed by the second respondent is liable to be quashed.

3. Learned Special Government Pleader appearing for the respondents submitted that the land in question has been shown only as house-site, i.e. unapproved house-site and in and around the area, residential as well as commercial buildings have come up and this land has been kept vacant for house-site and even compound fence has also been put up, and even the drainage and road were also formed. In the field



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inspection, the respondents found that the land has not been used as cultivating land and it has only been kept as vacant site, and therefore, there is no reason to quash the impugned order.

4. Heard both sides and perused the materials available on record, including the counter affidavit filed by the respondents.

5. Admittedly, the petitioner presented a document for registration, but the respondents found that the classification of the land in question has been wrongly given and the value of the land was also certainly arrived at and in order to avoid stamp duty, they have shown the classification of the land and the recitals are given in the schedule of the property in the parent document, whereas, the photographs in respect of the land produced by the respondents, clearly show that it has not been utilised for cultivation and further, in and around the place, residential and commercial buildings are there and drainage has also been formed and road is also there.

6. Therefore, in the above circumstances, there are no symptoms of cultivation by the petitioner and the petitioner has also produced Adangal



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for the present Fasli, which shows that the land is under cultivation and the agricultural activities are being carried on. Hence, this Court does not find any perversity or impunity or illegality in the impugned refusal check slip. However, it is found that in order to evade the stamp duty, the petitioner has given false affidavit and the petitioner has not come to the Court with clean hands.

7. Hence, the Writ Petition is dismissed with costs of Rs.25,000/- (Rupees twenty five thousand only) payable by the petitioner to the Siddha Clinic attached to High Court, Madras.

Consequently, W.M.P. is closed.

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To

1. The District Registrar,
Erode District, Erode.
2. The Sub-Registrar,
Kavindapadi, Erode District, Erode.

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