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W.P.No.38277 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.38277 of 2024

Abiramasundari

... Petitioner

Vs.

1.The District Registrar,
Chengalpattu,
Chengalpattu District.

2.The Sub- Registrar,
Chengalpattu Joint - II Sub - Registrar Office
Chengalpattu.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 2nd respondent to accept the Sale Deed for registration, which is to be presented by the petitioner, with respect to the property bearing Old Survey No.220/5, New Survey No.262 /8 to an extent of about 0.4 1/2 cents or 2000 Sq.ft. situated at Thenmelpakkam Village, Chengalpattu Taluk and District and register the same within the time limit to be fixed by this Honorable Court.

For Petitioner : M/s.M.Vijaya Ragavan

For Respondents : M/s.B.Vijay, AGP
for R1 & R.2



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ORDER

The above Writ Petition has been filed for the following reliefs:

" To direct the 2nd respondent to accept the Sale Deed for registration, which is to be presented by the petitioner, with respect to the property bearing Old Survey No.220/5, New Survey No.262 /8 to an extent of about 0.4 1/2 cents or 2000 Sq.ft. situate at Thenmelpakkam Village, Chengalpattu Taluk and District and register the same within the time limit to be fixed by this Honourable Court."

2. The petitioner would submit that he had purchased the property comprised in Old.S.No.220/5, New S.No.262/8, Thenmelpakkam Village, Chengalpattu Taluk & District measuring an extent of 2000 sq.ft. under a sale agreement dated 01.09.2024. When the said document was presented for registration before the 2nd respondent, he had refused to register the same on the ground that the subject property is a Grama Natham property. Aggrieved by the same,



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the petitioner had sent a representation dated 09.11.2024 requesting the respondents to register the sale deed. However, the respondents have not considered the same to date. Therefore, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned AGP accepting notice for respondents 1 and 2.

4. This Court in W.P.(MD).No.2284 of 2024 dated 06.06.2024, had observed as follows:-

" 5.I carefully considered the rival contentions and went through the materials on record. There are two reasons as to why I should interfere in the matter. As rightly pointed out by the learned counsel for the petitioner, the proviso 2 to Section 22A of the Act clearly states that if the very same house site had already been registered as a house site, then Section 22A of the Act will not come in the way. The land in



question has already been shown only as grama natham. Grama natham as the very name indicates is meant for to be a house site. The authority had clarified in a written communication which has been enclosed at Page No.47 of the typed set of papers stating that for registering plots situated in grama natham, prior approval is not required. Because of the clarification earlier given, Muniappan was able to buy the plot in question. A plot that was purchased vide registered sale deed dated 29.03.2021 is now sought to be sold in favour of the petitioner.

6.The impugned refusal check slip has not taken into account the proviso 2 to Section 22A of the Act. They have also not taken into account the clarification furnished by the authorities earlier. For these twin reasons, the impugned refusal



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check slip is quashed. This writ petition is allowed. The petitioner is permitted to re~present the document. It shall be registered and released subject to fulfilment of other usual formalities. No costs."

5. In the light of the above, the Writ Petition is allowed. The 2nd respondent is directed to register the Sale Deed dated 01.09.2024, with respect to the property bearing Old Survey No.220/5, New Survey No.262/8 to an extent of about 0.4 1/2 cents or 2000 Sq.ft. situate at Thenmelpakkam Village, Chengalpattu Taluk and District, within a period of 2 weeks from the date of its representation by the petitioner.

21.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

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