



W.P(MD)No.2284 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2284 of 2024

AND.Janardhanan

... Petitioner

Vs.

**The Joint Sub Registrar No.II,
Virudunagar.**

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records to the impugned refusal check slip dated 08.11.2023 and quash the same and consequently direct the respondent to register the document dated 08.11.2023 submitted by the petitioner.

For Petitioner : Mr.D.Sakkaravarthi

**For Respondent : Mr.B.Saravanan,
Addl. Government Pleader.**

ORDER

Heard both sides.



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2.The petitioner has purchased the petition mentioned plot from one Muniappan. Sale deed was executed in favour of the petitioner. It was jointly presented for registration before the respondent. The respondent refused registration by citing Section 22A of the Registration Act, 1908. Challenging the same, the present writ petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned refusal check slip and grant relief a prayed for.

4.Per contra, the learned Additional Government Pleader submitted that the impugned order is a mere reiteration of the statutory position and that it does not warrant interference and he called upon this Court to dismiss the writ petition.

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



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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 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.

06.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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G.R.SWAMINATHAN, J.

ias

To:-

The Joint Sub Registrar No.II,
Virudunagar.

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