



W.P.(MD)No.1954 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.1954 of 2023

A.Kaviarasan

... Petitioner

Vs.

The Sub-Registrar,
Moolakaraipatti Sub-Registrar Office,
Moolakaraipatti,
Nanguneri Taluk,
Tirunelveli District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in the impugned check slip dated 19.01.2023 on the file of the respondent and quash the same as illegal and consequently, direct the respondent to register the sale deed of the petitioner dated 19.01.2023.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.M.Siddarthan,
Addl. Govt. Pleader



W.P.(MD)No.1954 of 2023

ORDER

WEB COPY

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records in the impugned check slip dated 19.01.2023 on the file of the respondent and quash the same as illegal and consequently, direct the respondent to register the sale deed of the petitioner dated 19.01.2023.

2. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

3. It is the grievance of the writ petitioner that the petitioner has executed a sale deed dated 19.01.2023 in favour of one Esakki and when the sale deed was presented for registration, the respondent refused to register the same on the ground that in the original document, the subject property has been described as cultivable land, but in the sale deed, the subject property has been described as vacant site, which is barred under Section 22-A of the Registration Act, 1908. Challenging the same, the petitioner has filed this Writ Petition.

4. The learned counsel for the petitioner submitted that in the guideline register maintaining by the respondent, the subject property is classified as vacant



W.P.(MD)No.1954 of 2023

land and therefore, there is no bar under Section 22A of the Registration Act, 1908 for registering the sale deed dated 19.01.2023 executed by the petitioner.

5. It is relevant to note that the proviso to Section 22-A(2) makes it clear that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site. In the case on hand, the subject property has already been registered vide parent document No. 1350/2022 and therefore, now there is no bar for registering the sale deed dated 19.01.2023 presented by the petitioner. In such view of the matter, the impugned order has to be set aside.

6. Accordingly, this Writ Petition is allowed and the impugned order of the respondent dated 19.01.2023 stands quashed and the respondent is directed to register the sale deed dated 19.01.2023 presented by the petitioner, within a period of fifteen days from the date of receipt of a copy of this Order. There shall be no order as to costs.

28.08.2024

NCC : Yes/No
Index : Yes/No
vsm



WEB COPY



W.P.(MD)No.1954 of 2023

N.SATHISH KUMAR, J.

vsm

To
The Sub-Registrar,
Moolakaraipatti Sub-Registrar Office,
Moolakaraipatti,
Nanguneri Taluk,
Tirunelveli District.

W.P.(MD)No.1954 of 2023

28.08.2024