



WP(MD). No.3353 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 07/08/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.3353 of 2021 and
WMP(MD) No.2710 of 2021**

Karunakaran.V

... Petitioner

Vs

1. The District Collector,
Dindigul District , Dindigul..

2. The District Registrar,
District Registrar Office, District
Collector Office, Dindigul, Dindigul District.

3. The Joint Sub Registrar No.2,,
District Registrar Office, District
Collector Office, Dindigul, Dindigul District.

4. The Executive Officer,
Thadicombu Panchayat, Dindigul Tk,
Dindigul District.

... Respondents

PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip RFL/2 No. Joint Sub Registrar Dindigul 1/2021 issued by the 3rd respondent herein dt 07.01.2021 and quash the same as illegal and direct the 3rd respondent to



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register the sale deed presented before the 3rd respondent office dated 07.01.2021.

For Petitioner : M/s.Sarvagan Prabhu.S,
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The writ petition has been filed challenging the refusal slip issued by the respondent on the basis of the letter issued by the Executive Officer.

2.The petitioner has purchased the property in the year 2012. Thereafter, he has sold the same to third parties. When the document has been presented, the same has been refused to be registered on the ground that the Executive Officer has objected it.

3. In the counter filed by the respondents, it is their contention that the said property was approved for framing the lay-out and appeal filed by the petitioner before the District Collector is pending with regard to the planning permission. Hence, at this stage, the document cannot be registered.

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4. I have considered the said submissions and perused the materials available on record.

5. The purchase of the property in the year 2012 is not in dispute by the petitioner. Only when the petitioner tried to sell the property later, on the basis of the letter said to have been issued by the 4th respondent, the document has not been registered. It is relevant to note that even merely on the basis of the letter, the registering authority cannot refuse to register the document. The document may be refused to register under two circumstances: that any of the document falling within the ambit of 22(A) and 22(B) of the Registration Act, 1908. That apart, under Section 34, when the registering officer is not satisfied as to the the identity of a person appearing before him who alleges that he has executed the document, in such a scenario, the document can be refused.

6. Proviso to Section 22(A) also makes it clear that though the approval has not been obtained and the same site is also registered, subsequent transaction cannot be refused to be registered. The proviso to



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Section 21(A)(2) makes it clear that house site is already registered, the same can be registered later, therefore, the bar contained under Section 22A will not operate.

7. In such view of the matter, the writ petition is allowed and the impugned order is quashed and the respondent authorities are directed to register the document within a period of one week from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

07.08.2024

RR
TO

1. The District Collector,
Dindigul District , Dindigul..
2. The District Registrar,
District Registrar Office, District
Collector Office, Dindigul, Dindigul District.
3. The Joint Sub Registrar No.2,,
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Dindigul District.

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N.SATHISH KUMAR,J

RR

**ORDER
IN
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Date : 07/08/2024