



W.P(MD).Nos.4344 and 4335 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).Nos.4344 and 4335 of 2022

in W.M.P(MD).No.3661 of 2022

M.Tamilselvan ... Petitioner in W.P(MD).No.4344 of 2022

E.Murugan ... Petitioner in W.P(MD).No.4335 of 2022

Vs.,

1.The District Registrar,
Office of the District Registrar,
Tenkasi District.

2.The Sub Registrar,
Office of the Sub-Registrar,
3/206, Rajeevganthi Nagar,
Nainaragaram, Idikal,
Tenkasi District 627 804

... Respondents in both petitions

PRAYER in W.P(MD).No.4344 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent's impugned refusal check slip Refusal Number: RFL/Idaikkal/14/2022 dated 28.01.2022, consequential impugned order of the first respondent in Na.Ka.No.629/A1/2022 dated 14.02.2022 and quash the same as



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devoid of merits and direct the second respondent to register the sale deed dated 02.12.2021 executed by M.Kiruthu Oli in favour of the petitioner in respect of the properties in Survey Nos.74/2C an extent of 12,264 Sq.fts in Aykkudi Village, Kadayanallur Taluk, Tirunelveli District within a period stipulated by this Court.

PRAYER in W.P(MD).No.4335 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent's impugned refusal check slip Refusal Number: RFL/Idaikkal/13/2022 dated 28.01.2022, consequential impugned order of the first respondent in Na.Ka.No.629/A1/2022 dated 14.02.2022 and quash the same as devoid of merits and direct the second respondent to register the sale deed dated 02.12.2021 executed by M.Kiruthu Oli in favour of the petitioner in respect of the properties in Survey No.74/2D an extent of 12,264.0 Sq.fts in Aykkudi Village, Kadayanallur Taluk, Tirunelveli District within a period stipulated by this Court.

In both petitions

For Petitioners : Mr.A.Haja Mohideen

For Respondents : Mr.P.Subbaraj
Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the impugned refusal check slip passed by the first respondent in Refusal Nos: RFL/Idaikkal/14/2022 and RFL/Idaikkal/13/2022, dated 28.01.2022 with consequential direction to the



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second respondent to register the sale deed dated 02.12.2021 executed by one M.Kiruthu Oli in favour of the petitioners in respect of the properties in Survey No.74/2C an extent of 12,264 Sq.fts and Survey No.74/2D an extent of 12,264.0 Sq.fts respectively, in Aykkudi Village, Kadayanallur Taluk, Tirunelveli District order holding that the document executed in favour of the petitioner dated 16.12.2020 was forged one and no further transaction should take place.

2. It is the grievance of the petitioners that when they presented the sale deed in respect of Survey Nos.74/2C and 74/2D for registration, the same was refused to register on the ground that the subject property is unapproved plot.

3. Heard both sides.

4. On perusal of the refusal check slip, it can be seen that since the subject property already registered earlier, there is a bar under law to register the document.

5. It is relevant to note that the subject property has already been registered in the year 1951. The vendor of the petitioners purchased the said property in the year 2021 by way of registered document in Doc.No.1035/2021.



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Therefore, even assuming that there is an unapproved plot, registration cannot be refused for a simple reason that Section 22 A Sub-clause 2 of the Registration (Tamil Nadu Amendment) Act, 2008, which reads as follows:

“.....

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

provided 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."

6. In view of the above provision, the vendor of the petitioners has already purchased the subject land in the year 2001, which has been registered. Therefore, there cannot be a refusal for registration in respect of the subject land.

7. In such view of the matter, the order impugned in these writ petitions in Refusal Numbers: RFL/Idaikkal/14/2022, RFL/Idaikkal/13/2022, dated 28.01.2022, passed by the first respondent is set aside and the second respondent is directed to register the sale deed submitted by the petitioners within a week from the date of receipt of a copy of this order.



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8. With the above direction, these Writ Petitions are allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

09.08.2024

NCC : Yes/No

Index : Yes/No

Rmk

To

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N.SATHISH KUMAR, J.

Rmk

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