



W.P.(MD)No.14991 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.14991 of 2024

and

W.M.P.(MD)No.13135 of 2024

Chelladurai

... Petitioner

-Vs-

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Chennai-600 028.

2.The District Registrar,
District Registrar Office,
Palayamkottai, Tirunelveli District.

3.The Sub Registrar,
Kayathar Sub Registrar Office,
Kayathar, Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire relevant records in respect of the impugned order passed by the 3rd respondent vide Na.Ka.No. 106/2024, dated 21.06.2024 and quash the same as illegal and consequently, to direct the 3rd respondent to register the sale deed produced by the petitioner dated 06.06.2024 as per Section 52 of the Registration Act, 1908 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.P.Ponraj
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

This Writ Petition is filed, challenging the order passed by the 3rd respondent dated 21.06.2024, thereby refused to register the sale deed dated 06.06.2024 presented by the petitioner on the ground that the subject property is objectionable under Section 22-A of the Registration Act (hereinafter referred to as 'the Act').

2.The petitioner had purchased the land measuring 0.03.45 hectares comprised in S.No.458/9A situated at Akilandapuram Village, Kayathar Taluk, Thoothukudi District through a registered sale deed vide document No.3604 of 2020 from one Madasamy. However, proper stamp duty was not paid. As such it was referred under Section 47A(1) of the Stamp Act to the Collector of Stamps. As directed by the Stamp Collector, the petitioner paid deficit stamp duty and hence, the document was released in favour of the petitioner. Thereafter, the petitioner decided to sell the property and executed the sale deed dated 06.06.2024 in favour of one Pandi and presented the same for registration



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before the 3rd respondent. However, it was refused to register on the ground that it is objectionable under Section 22-A of the Act. Further, the Sub Registrar, who registered the sale deed in favour of the petitioner vide Document No.3604 of 2020, is facing charge under Section 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. It is nothing to do with the present sale deed, which was presented for registration. Insofar as objections under Section 22-A of the Act is concerned, if it is less than 10 cents, it requires approval as house site. The subject property is only 7 cents.

3.The Government in G.O(Ms)No.78, Housing and Urban Development Department, dated 04.05.2017, defined the Layout. It means (i)division of the land into plots exceeding 8 (eight) in numbers in Chennai Metropolitan Planning area and (ii)division of land into plots by introducing a new road or street in areas other than Chennai Metropolitan Planning Area. The original extent of the land in S.No.458/9 was 32 cents as per Document No.618 of 1936. Out of 32 cents, 26 cents were sold out in favour of one Murugan, vide document No.8798 of 2015, who in turn, sold out the entire extent of the land ie., 26 cents to three purchasers. Viz., Veerapathiran, Madasamy and Kombaiah vide Document Nos.2682, 2684 and 2685 of 2020, each consisting of 8.5 cents. One of the purchasers, namely, Madasamy has



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sold out the land to an extent of 8.5 cents in favour of the petitioner, which was registered vide Document No.3604 of 2020.

4.In view of the above, this Court finds no infirmity or illegality in the order passed by the 3rd respondent and this Writ Petition is devoid of merits and therefore, it is dismissed. The petitioner is at liberty to re-present the sale deed for registration, after obtaining DTCP approval from the authorities concerned. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No

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G.K.ILANTHIRAIYAN, J.

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