



W.P.(MD)No.16847 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2024**

CORAM:

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

W.P.(MD)No.16847 of 2024

and

W.M.P.(MD)No.14521 of 2024

Thanikasalam .T.B

... Petitioner

/Vs./

The Joint Sub Registrar No.II,
Virudhunagar.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to calling for the records to the impugned refusal check slip dated 04.07.2024 and quash the same.

For Petitioner : Mr.D.Sakkaravarthi

For Respondent : Mr.M.Sarangan

Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned refusal check slip dated 04.07.2024 and consequently direct the respondent to register the document dated 04.07.2024 submitted by the petitioner.



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2. Heard the learned counsel on either side.

3. The petitioner has purchased the petition mentioned plot from one Parami, Rajeswari, Subbulakshmi and Pandiammal. Sale deed was executed in favour of the petitioner. The respondent refused registration by citing Section 22A of the Registration Act, 1908. Challenging the same, the present writ petition came to be filed.

4. 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.

5. 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.



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6. 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 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 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, the party was able to buy the plot in question. A plot that was purchased vide registered sale deed is now sought to be sold in favour of the petitioner.

7. 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



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petition is allowed. No costs. Consequently, connected Miscellaneous

Petition is closed.

06.11.2024

Index : Yes / No

Internet : Yes/No

NCC : Yes / No

LS

TO:-

The Joint Sub Registrar No.II,
Virudhunagar



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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