



W.P.(MD)No.21019 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21019 of 2023
and WMP(MD) No.14134 of 2024

Rabiyathulbasriya

... Petitioner

Vs

1. The Deputy Director of Town and Country Planning,
No.A, Arulandha Nagar 7th Street,
Thanjavur District.

2. The Block Development Officer (Village Panchayat),
Thiruvaiyaru Taluk, Thanjavur District.

3. The District Registrar (Admin),
The District Registrar Office,
Tamil University Post,
Thanjavur District.

4. The Sub Registrar,
Sub Registrar Office Thiruvaiyaru,
Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling for the records pertaining of the Impugned order passed by the 4th respondent vide his proceedings in Na.Ka. 283/2022, dated 30.12.2022 and quash the same as illegal.



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For Petitioner : Mr.Vivek
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the Impugned order passed by the 4th respondent vide his proceedings in Na.Ka.283/2022, dated 30.12.2022.

2.Heard Mr.Vivek, the learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents. Perused the materials available on record.

3.It is the case of the petitioner that when the petitioner presented the settlement deed in respect of house, the impugned order came to be passed, since the document is passed within the ambit of Section 22(A) of Registration Act, 1908.

4.From the above, it clearly indicates the non-application of mind on the part of the respondents, since Section 22(A) of Registration Act, 1908 deals only about the conversion of agricultural lands into a house site, whereas, what



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was sought to be registered is a settlement deed in respect of existing deed.

Therefore, the question under Section 22(A) of Registration Act, 1908 does not arise at this stage.

5.In view of the above observation, this writ petition stands allowed and the impugned order passed by the 4th respondent vide his proceedings in Na.Ka.283/2022, dated 30.12.2022 is hereby quashed. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To

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N.SATHISH KUMAR, J.

PNM

ORDER IN

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