



W.P(MD)No.22750 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22750 of 2024

Shunmugasundaram

... Petitioner

Vs.

1.The District Registrar (Admin)
District Register Office,
Cheranmahadevi,
Tirunelveli District.

2.The Sub Registrar,
Ambasamudram Sub Registrar office,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned Refusal Check Slip in Refusal Number.RFL/Ambasamudram/42/2024 dated 12.09.2024 was issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to register the petitioner's sale deed dated 19.08.2024 in respect of the 1st item and 2nd item of properties in Natham New Survey No.102/1(old Sy.No.102/70) plot No.813 to the extent of 589.46 Sq. Mr (14.56 Cents) at middle portion and Northern portion to the extent of 608.04 Sq.Mr (15.02 Cents) respectively out of totally 2.65 Acre situated at Urkadu Village, Ambasamudram Taluk, Tirunelveli District within a period as framed by this Court.



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For Petitioner : Mr.A.Sankararamasubramanian
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Challenging the refusal check slip dated 12.09.2024 issued by the second respondent and to direct the second respondent to register the petitioner's sale deed dated 19.08.2024, this writ petition has been filed.

2.Mr.C.Satheesh, learned Government Advocate, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.The case of the petitioner is that the father of the petitioner has purchased the subject property vide registered sale deed dated 06.05.1975. After his demise, one of the sisters of the petitioner had executed a power of attorney deed in respect of her share, in favour of her brother, namely Rajkumar. Thereafter, the said Rajkumar, had executed a sale deed in favour of the petitioner in respect of his share along with his sister's share in the subject property. When the petitioner presented the said deed for registration, the same was refused to be registered on the ground that there is no correlation in survey



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number and the petitioner has created a road recently and hence, he has to obtain DTCP approval from the authorities concerned. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner submits that the road has not been created recently as alleged by the second respondent. The road has been mentioned as one of the boundaries even in the document registered in the year 2009 as well as 2018.

5.The second respondent filed counter affidavit stating that the father of the petitioner has purchased the property in Survey No.102/70. However, in the sale deed presented by the petitioner, Survey No.102/1 has been mentioned without any correlation to the old S.No.102/70. Further, no road was formed by the authorities concerned adjacent to the subject property and the subject property was not divided as plots at any point of time. Hence, the land converted as house site without permission, cannot be registered.

6.I have perused the materials placed on record.



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7. In the document bearing No.1510/2009, executed by one Ganesan in the 2009 with regard to the subject property to one Tharani, the road has been shown as one of the boundaries. Similarly, in the document executed in the year 2018 by one Sankarammal and others to one Rajkumar, the road is also shown as a boundary to the subject property. Therefore, the contention of the respondents that the road has been recently formed by the petitioner and therefore, the petitioner has to obtain necessary approval from the authorities concerned, cannot be sustained.

8. Further, when the large extent in the subject property has already been sold and the remaining extent is sought to be sold, it cannot be stated the the document cannot be registered. Only when the large agricultural area is converted without any approval as layout, the bar under Section 22-A of the Act will apply. Even assuming that the approval has not been obtained, it does not mean that the owner has no right to deal with the property. The owner can deal with the property for any other purpose other than the construction purposes. What was restricted under law, is only conversion of agricultural land as house site. It is for the local authorities to take care of all those things.



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9.As far as the other ground that there was no correlation to sub division is concerned, it is relevant to note that while adjudicating the power of attorney presented before the authorities, the new sub division number has been mentioned. Hence, the refusal check slip issued by the second respondent cannot be sustained in the eye of law.

10.Accordingly, this writ petition is allowed and the refusal check slip issued by the second respondent dated 12.09.2024 is set aside. The second respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs.

17.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Registrar (Admin)
District Register Office,
Cheranmahadevi,
Tirunelveli District.
- 2.The Sub Registrar,
Ambasamudram Sub Registrar office,
Tirunelveli District.



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N.SATHISH KUMAR, J.

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