



W.P(MD)No.22216 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.22216 of 2023

1.A.Anish Ahamed
2.S.Shahul Hameed

... Petitioners

Vs.

The Sub Registrar,
Moolakaraipatti,
Tirunelveli

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Refusal Check Slip No.RFL/Moolakaraipatti/63/2023 dated 30.08.2023 and quash the same and consequently, direct the respondent herein to register and release the document in favour of the first petitioner within the time fixed by this Court.

For Petitioners : Mr.P.P.Alwin Balan

For Respondent : Mr.P.Subbaraj

Special Government Pleader



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ORDER

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Challenge has been made to the refusal check slip issued by the respondent dated 30.08.2023.

2.It is the grievance of the petitioner that when the first petitioner presented the sale deed dated 30.08.2023, which is executed in his favour, it was refused by the first respondent, vide refusal check slip dated 30.08.2023 on the ground that the sale deed is contradictory to Section 22-A(2) of the Registration Act, 1908 (hereinafter referred to as the Act) and further a writ petition in W.P(MD)No.15103 of 2023 is also pending against the first petitioner. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.Heard the learned counsel on either side,

4.As far as the pendency of the writ petition in W.P(MD)No.15103 of 2023 is concerned, the said writ petition was allowed by this Court on 30.08.2024 directing the authorities to register the power of attorney. With regard to the other reasons, it is to be noted that the subject property was registered as a site in the year 2018 itself. It has been purchased through the



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registered document No.930/2018. Now the same has been sought to be sold.

Therefore, the power containing under Section 22-A of the Act will not apply.

The proviso 22-A(2) of the Act makes it very clear that if the house-site has been previously registered as house-site, it can be registered as per the proviso to Section 22-A(2) of the Act.

5.In such view of the matter, the impugned order passed by the first respondent is hereby quashed. This Writ Petition is allowed with a direction to the first respondent to register the document presented by the first petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

01.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Ns
To
The Sub Registrar,
Moolakaraipatti,
Tirunelveli



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N.SATHISH KUMAR, J

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