



W.P.(MD)No.23651 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23651 of 2024

Tajunnisa

... Petitioner

Vs.

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

2.The Sub Registrar,
Kadayam Sub Registrar Office,
Tenkasi District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned refusal check slip in Refusal Number: RFL/Kadayam/54/2024 dated 26.09.2024 was issued by the second respondent and quash the same as illegal and consequently direct the second respondent to register the petitioner's sale deed dated 26.09.2024 in respect of Survey Numbers 136/4.136/6 (New Survey No.136/4A1A2) to the extent of 3.5 cents western side out of 1.55^{3/4} acres punja land situated at South Kadayam Village, Kadayam Sub Registration Circle, Cheranmahadevi Registration District within a stipulated period as framed by this Court.



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For Petitioner : Mr.A.Sankararamasubramanian
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenging the refusal check slip issued by the second respondent in RFL/Kadayam/54/2024 dated 26.09.2024, this writ petition has been filed.

2. Heard Mr.A.Sankararamasubramanian, learned counsel appearing for the petitioners and Mr.P.Subbaraj, learned Special Government Pleader, who takes notice on behalf of the respondents. By consent, this writ petition has been taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that when she presented the document for registration in respect of the land in S.No.136/4 and 136/6(New S.Nos. 136/4A1A2) to an extent of 3.5 cents western side out of 1.553/4 acres punja land situated at South Kadayam Village, Kadayam Sub Registration Circle, Cheranmahadevi Registration District, the same was refused on the ground that without obtaining DTCP approval, the principal of the petitioner converted the subject land as house plots and sold. Further, disciplinary proceedings is pending against the concerned authority for registering the earlier document. Aggrieved over the same, the petitioner is before this Court.



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4. At the outset, mere pendency of disciplinary proceedings against the authority is not a ground for refusal. Section 22-A (2) relates to the transfer of ownership of lands converted to house sites without permission for the development of such land by the planning authority. In such cases, the only exception is where it is shown that the same house site is previously registered as a house site, in which case there is no bar for registration. The very Section is applicable in the case on hand, since the petitioner's principal has already sold the subject land as house site and in this regard, document has also been registered.

5. In view of the above, the reason for refusal cannot be sustained in the eye of law. Accordingly, the impugned refusal check slip in Refusal Number: RFL/Kadayam/54/2024, dated 26.09.2024, passed by the respondent is hereby quashed and this Writ Petition is **allowed**. The respondent is directed to register the petition mentioned document within a period of seven days from the date of receipt of a copy of this order. No costs.

03.10.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

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