



W.P (MD).No.27652 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

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

W.P (MD).No.27652 of 2024

and

W.M.P(MD)No.23469 of 2024

A.Subramanian

... Petitioner

Vs.

1.The District Registrar,
Cheranmahadevi,
Tirunelveli District.

2.The Joint Sub Registrar No.I,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to dall for the records relating to the proceedings of the impugned refusal check slip No.RFL/1 Joint Sub Registrar, Cheranmahadevi/2/2022 dated 23.03.2022 on the file of the second respondent and the consequential order in Na.Ka.No.5759/அ/அ2/2023 dated 31.07.2024 on the file of the first respondent and quash the same and further directing the second respondent to receive and register and release the sale deed dated 13.07.2007 executed by the petitioner.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: Mr.S.P.Maharajan
	Special Government Pleader



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ORDER

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This writ petition has been filed challenging the refusal check slip, dated 23.03.2022 issued by the second respondent and the consequential order passed by the first respondent, dated 31.07.2024 thereby, dismissed the appeal filed by the petitioner confirming the refusal check slip issued by the second respondent.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The property comprised in S.No.174/3A situated at Cherankoilpathu Village, Cheranmahadevi Registration District, Tirunelveli District admeasuring 4.76 acres belongs to the petitioner and one Krishnammal. Subsequently, the said Krishnammal had executed a Power of Attorney to her share in favour of the petitioner to deal with the subject property. In order to develop the said property, portion of the subject property was sold out by the petitioner in favour of one Subbaiah and executed a sale deed dated



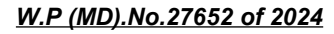
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23.03.2022. It was presented for registration before the second respondent.

However, it was refused to register on the ground that the subject property is unapproved one. Aggrieved by the same, the petitioner filed an appeal before the first respondent. While pending the appeal, the petitioner made an application before the Director of Town and Country Planning authority for approval of the subject land and it was duly approved by an order dated 20.05.2024 and it was also duly communicated to the first respondent. However, without considering the approval, the appeal filed by the petitioner was dismissed by the first respondent.

5. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner now wanted to register the earlier sale deed which was presented on 23.03.2022. After the approval of subject land as house plot, he has to pay more stamp duty than the stamp duty which was already paid while presenting the sale deed for registration.

6. In view of the above, this Court finds infirmity in the order passed by the respondents, dated 23.03.2022 and 31.07.2024 and it cannot be sustained and liable to be quashed.



Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

To

- 1.The District Registrar,
Cheranmahadevi,
Tirunelveli District.
- 2.The Joint Sub Registrar No.I,
Cheranmahadevi,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

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