



W.P.(MD)No.29049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.29049 of 2024

S.Jayasankar

...Petitioner

-Vs-

The Sub Registrar,
Ottapidaram,
Tuticorin District.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, calling for the records pertaining to the impugned Refusal Check Slip in RFL/Ottapidaram/82/2024 dated 22.11.2024 passed by the respondent and to quash the same as illegal, arbitrary and consequently direct the respondent to register the sale deed dated 25.10.2024 which was presented by the petitioner and pass such further or other orders as this Court.

For Petitioner : Mr.S.Ramanathan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip dated 22.11.2024 issued by the respondent, thereby refused to register the sale deed dated 25.10.2024 on the ground that it is objectionable under Section 22(2A) of the Registration Act.

2.One A.Selvakumar has owned the property comprised in S.F.No. 764/2B, 768/1A2A & 768/1A2A to an extent of 3.48 cents, 6.132 cents & 2 cents respectively situated at Ottapidaram Village, Thoothukudi District. He intended to sell his land in favour of the petitioner and had executed the sale deed on 25.10.2024. Originally, the said property was owned by one James Durairaj and David to an extent of 101 cents. Thereafter, 76 cents of land out of 101 cents were sold out in favour of one Lakshmana Mudaliyar vide document No.442 of 1997. Subsequently, it was purchased by one Ananda Sundaram & Shanmugaraj vide document No.677 of 1998. Thereafter, they had executed the sale deed to an extent of 4127.6875 sq.ft to one Dharmaraja vide document No. 7 of 2004.



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3. On perusal of the said documents, the roads in the public pathway formed at that itself and the entire property was divided into house plots and roads were formed. Subsequently, several transactions were made through several sale deed. The details of the sale deeds are as follows:

a. Doc.No.8/2004	4831.9375 Square feet
b. Doc.No.2106/2007	1385.312 Square feet
c. Doc.No.592/2017	2.85 cents
d. Doc.No.1772/2019	601.342 Square Meter
e. Doc.No.680/2022	470.533 Square Meter
f. Doc.No.681/2022	120.648 Square Meter

4. In so far the subject property is concerned, it was purchased by the petitioner's vendor father and subsequently, it was settled in favour of the petitioner vendor A.Selvakumar registered vide document No.680 of 2022. In turn, he intended to sell the property in favour of the petitioner and executed the sale deed. However, the respondent refused to register the same on the ground that he has objection under Section 22(A) of the Registration Act.

5. On instructions, the learned Additional Government Pleader appearing for the respondents submits that the total extent of the property is more than 11 cents and as such, it requires approval from the authority concerned. That apart, there came to lay a road adjacent to the subject property. Therefore, it is clear bar under Section 22-A(2) of the Registration Act. It is extracted the provision



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under Section 22-A(2) of the Registration Act. It is clear that the land is converted as house sites without permission from the authorities concerned and substantial number of plots have already been registered, then there is no bar for subsequent registration. Admittedly, there are several transactions as stated above, in respect of the subject property comprised in S.No.380 and it has three set of boundaries. It is less than 10 cents. That apart, there is existing road adjacent to the house plots. Therefore, there is absolute no bar under Section 22-A(2) of the Registration Act, rejected the sale deed for registration. In view of the above, the impugned order cannot be sustained and is liable to be quashed.

6.The petitioner is directed to re-present the sale deed dated 25.10.2024 for registration before the respondent and on receipt of the same, the respondent is directed to register and release the same forthwith.

7.With the above said directions, this writ petition stands allowed. No costs.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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G.K.ILANTHIRAIYAN. J,

RJR

To

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