



W.P(MD)No.29419 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29419 of 2023

G.Praman

... Petitioner

Vs.

The Sub-Registrar,
Joint-II Sub-Registrar Office,
Tenkasi.

... 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 records in impugned check slip dated 06.12.2023 on the file of the respondent and quash the same as illegal, consequently direct the to register sale deed dated 01.12.2023 forthwith.

For Petitioner : Mr.S.Selvakrishnan

For Respondent : Mr.R.Ragavendran,
Government Advocate.

ORDER

Heard both sides.



W.P(MD)No.29419 of 2023

2.The petitioner wants to purchase the petition mentioned land from his vendors by name Syed Masood, K.Rahman Khan and K.Imran Khan. The petitioner's vendors had purchased the property vide sale deed dated 29.10.2019. It was registered as Document No.4327/2019 on the file of the respondent. The document also contains the description that it is a house site. Section 23A(2) of the Registration Act, 1908 reads as follows:

23A. Re-registration of certain documents.—

Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it has not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefore under Part IV, and all the provisions of this Act, as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to



W.P(MD)No.29419 of 2023

have been duly registered for all purposes from the date of its original registration:

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.

3.The amendment came into force on 20.10.2016. The petitioner's vendors had not obtained any approval from the planning authority concerned. Therefore, the very registration of Document No.4327/2019 appears to be contrary to law. Therefore, the petitioner has to necessarily obtain what is called as “plot regularization”. Only after getting proper approval from the concerned authority, the document in question can be re-presented and registered and not till then.

4.With this liberty to the petitioner to work out his rights in the manner known to law, this writ petition is disposed of. No costs.

25.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.29419 of 2023

G.R.SWAMINATHAN, J.

ias

To:-

The Sub-Registrar,
Joint-II Sub-Registrar Office,
Tenkasi.

W.P(MD)No.29419 of 2023

25.06.2024