



W.P.(MD).No.30121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.30121 of 2023

N.Sivathanu

... Petitioner

Vs.

The Sub Registrar,
Vallioor,
Tirunelveli District.

... 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 of the impugned Refusal Check Slip in Refusal Number: RFL/Vallioor/14/2023 dated 20.04.2023 and quash the same as illegal and consequently direct the respondent to register the documents presented by the title holder pertaining to the Natham Survey No.1254/1 in North Vallioor Part-1 Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

Heard both sides.

2. The petition mentioned sale deed was refused for registration only on the ground that the plot covered thereunder is not an approved one. Challenging the refusal check slip, the present Writ Petition has been filed.

3. It is obvious that the respondent has invoked Section 22A of the Registration Act, 1908. In the very same provision, there is an exception. The proviso to Section 22A reads that if the plot in question has already been registered as a house site, then the Section cannot be invoked.

4. The learned counsel for the petitioner points out that the plot in question was already sold in the year 1996 itself by sale deed vide Document No.1503/1996 dated 06.11.1996, which is mentioned in the encumbrance register.

5. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document and it shall be registered and released subject to the fulfilment of other usual formalities.



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6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To
The Sub Registrar,
Vallioor,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

Lm

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