



W.P.(MD)No.785 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.01.2025**

CORAM:

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

W.P.(MD)No.785 of 2025

Kavitha

... Petitioner

/Vs./

1. The Sub Registrar
Idaikal,
Tenkasi District.

2. The Manager
Indian Bank,
M.S.University Branch,
Tirunelveli.

3. The Executive Officer
Village Panchayat,
Nainarnagaram,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1st respondent in refusal Number RFL/Idaikal/224/2024 dated 13.12.2024 and quash the same and further direct the respondents to register the agreement relating to memorandum of deposit of title deeds entered between the petitioner and the 2nd respondent.



W.P.(MD)No.785 of 2025

WEB COPY

For Petitioner : Mr.T.S.Mohammad Mohideen

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1

ORDER

This writ petition has been filed challenging the refusal check slip issued by the first respondent dated 13.12.2024, thereby refused to register the memorandum of deposit of title deed, presented for registration on the ground that the subject property is un-approved one.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The land comprised in S.No.236/3, measuring to an extent of 0.36.5 hectares and in S.No.243/2 measuring to an extent of 0.11.5 hectares comprised in patta Nos.2361 and 1887, situated at Nainarnagaram village, Kadayanallur Taluk, Idaikal SRO, Tenkasi District, originally belonged to one Ramanathan. He sold the subject property in favour of one A.Kulasekari by the registered sale deed, by



W.P.(MD)No.785 of 2025

WEB COPY

showing house plot Nos. 7 and 8 vide document No.277/2018 dated 25.01.2018. In turn, she had settled the property in favour of the petitioner herein. In turn, the petitioner applied for building plan approval and the same was also granted in respect of the subject property. In order to construct building, the petitioner availed loan by depositing original title deed marking the subject property by depositing the title deeds. Accordingly, the petitioner presented the memorandum of deposit title deeds for registration. However, the first respondent refused to register the same on the ground that the subject property is an un-approved one.

4. Admittedly, the petitioner obtained building planning permission after regularizing the subject property. That apart, the petitioner had purchased the subject property by the registered sale deeds dated 25.01.2018 vide document No.277/2018. As per proviso, even assuming that it is an un-approved one, the house sites may be registered, if it is shown that the same house sites have been previously registered as house site, after enactment of Section 22-A of the Registration Act, with effect from 20.06.2016. Therefore, the first respondent should not refuse to register the same and the impugned order cannot be sustained and the



W.P.(MD)No.785 of 2025

WEB COPY

same is liable to be quashed, accordingly, the impugned refusal check slip dated 13.12.2024, is hereby quashed.

5. This Writ Petition is allowed. The petitioner is directed to re-present the memorandum of deposit title deed within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to register the memorandum of deposit title deed presented by the petitioner in respect of the subject property within a period of one week thereafter and release the same forthwith, if it is otherwise in order. No costs.

10.01.2025

Index : Yes / No
NCC : Yes / No
LS

TO:-

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W.P.(MD)No.785 of 2025

G.K.ILANTHIRAIYAN, J.

LS

3. The Executive Officer
Village Panchayat,
Nainarnagaram,
Tenkasi District.

Order made in
W.P.(MD)No.785 of 2025

Dated:
10.01.2025