



W.P(MD)No.3384 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.3384 of 2024

Jeevanandham

... Petitioner

Vs

The Sub Registrar,
Pavoorchathiram,
Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip No.RFL/Pavoorchathiram/2/2024 dated 25.01.2024 on the file of the respondent and quash the same and further directing the respondent to register the sale deed as presented by the petitioner within the time limit stipulated by this Court.

For Petitioner : Mr.K.Jeyamohan

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



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ORDER

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This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the respondent, dated 25.01.2024 refusing to register the sale deed, which was presented for registration, on the ground that there is no proper approval.

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

3.The house site comprised in Survey No.357/1 situated at Thippanampatti Village, Tenkasi District was purchased by one Kumar by a registered sale deed in the year 2020. Thereafter, one Asir Muthu purchased the said house site from the said Kumar by a registered sale deed dated 30.04.2021. Thereafter, the petitioner intended to purchase the subject property and presented the sale deed for registration. However, the respondent refused to register the sale deed on the ground that there is no proper approval.



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4. Admittedly, Section 22A of the Registration Act, 1908 deals with refusal to register certain documents. The said provision clearly states that if the subject property was already registered as a house site, then the same can be registered without any approval. It is relevant to extract the provision under Section 22(A)(2) of the Tamil Nadu Registration Act, 1908:-

"22-A(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned."

5. However, the proviso says that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as a house site. In the case on hand, the vendor of the petitioner has purchased the property by means of a sale deed dated 30.04.2021 only as a house site. Therefore, Section 22-A(2) of the Tamil Nadu Registration Act, 1908, proviso comes to rescue the case of the petitioner. In view of the above, the order impugned cannot be sustained and it is liable to be quashed.



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6. Accordingly, the impugned order passed by the respondent dated 25.01.2024 is quashed and the Writ Petition is allowed. The petitioner is directed to represent the sale deed for registration. On receipt of the same, the respondent is directed to register the sale deed and release the same forthwith. No costs.

02.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

The Sub Registrar,
Pavoorchathiram,
Tenkasi District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.3384 of 2024

02.01.2025