

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.34320 of 2016

Mrs.Kursheed Sharfudeen

... Petitioner

Versus

1.The Inspector General of Registration,
Kamarajar Salai,
Santhome, Chennai 600 004.

2.The District Registrar,
Tiruchirapalli.

3.The Sub Registrar,
Court Complex, Cantonment,
Tiruchirapalli - 620 001.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Declaration, declaring that the order of this Hon'ble Court passed in W.P.No.19566 of 2016 dated 09.09.2016 does not apply to the petitioner's punjai lands situated in T.S.No.12/9A3, Block 4, Ward-X of Tiruchirapalli Town and shown as residential or commercial area in the Master Plan prepared by the local planning authority.

For Petitioner : Mr.V.Karthic
Senior Counsel
for Mr.I.Abrar Md.Abdullah

For Respondents : Mr.V.Ayyadurai
Additional Advocate General
Mr.M.K.Subramanian
Government Pleader for R.1 to R.3

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

The petitioner is the owner of a property measuring 6,228 sq. ft., in T.S.No.12/9A3, registered in her name in pursuance to sale deed dated 31.08.1979, in the Cantonment area of Tiruchirapalli Corporation. It is the case of the petitioner that in the Master Plan, that area has been classified as commercial area, whereas in the land classification register, it is shown as Punja land.

2. The husband and sons of the petitioner were carrying on business and availed of a business loan from Axis Bank, where the petitioner was also a guarantor. The account became NPA and after negotiations with the bank, there was a one time settlement of Rs.430 Lakhs payable in five instalments. In order to pay the amount in one time settlement, the petitioner offered to sell the property to an identified purchaser who is willing to purchase it, so that the petitioner can pay Rs.260 Lakhs on or before 29.09.2016.

3. The petitioner claims that she along with the purchaser approached the third respondent/Sub Registrar, Court Complex, Cantonment Tiruchirapalli / third respondent to ascertain the guideline value and other details when they were informed that the sale deed will not be registered in view of the order passed by this Court in W.P.No.19566 of 2016 on 09.09.2016. The petitioner submits that this will put the repayment schedule in jeopardy.

4. The stand of the registering authority is that the plot is an unapproved lay out, and thus, it ought not to be registered. The petitioner claims that she has purchased the property by a registered sale deed.

5. We are in seizin of the controversy in W.P.No.19566 of 2016 and one of the issues cropping up there is as to what should be the fate of the sales already registered before such registration was stopped in respect of wet lands which were lying fallow or which have been converted through such process in the past. We are thus not inclined to make exceptions to the rules in the present case till we examine the larger question.

6. However, taking into consideration the difficulty expressed by the petitioner, which is not a mere transaction, but it is with the objective of paying dues of a bank through

sale of property under a one time settlement, which would lapse, we asked the learned Senior Counsel for the petitioner as to what could be a via media, so that the petitioner is not prejudiced and yet we do not open the Pandora's box.

7. After some discussions, it is agreed that the petitioner may be permitted to present the document for registration in order to facilitate the petitioner to repay the loan, but it will be kept pending till a final view is taken on this issue in W.P.No.19566 of 2016.

8. The writ petition stands disposed of in the aforesaid terms, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Inspector General of Registration,
Kamarajar Salai,
Santhome, Chennai 600 004.

2.The District Registrar,
Tiruchirapalli.

3.The Sub Registrar,
Court Complex,
Cantonment,
Tiruchirapalli - 620 001.

+2cc's to Mr.I.Abrar Md.Abdullah, Advocate, S.R.No.13199

W.P.No.34320 of 2016

RSY (CO)
CA(28/09/2016)