

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

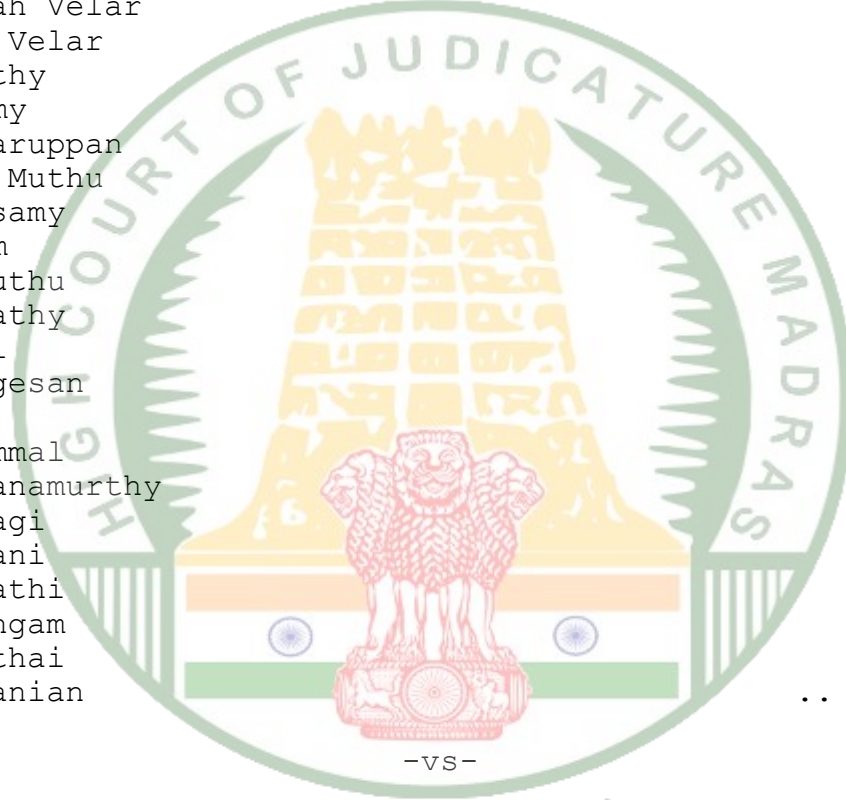
CORAM :

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P. No.39474 of 2004

and WP.M.P.No.47045 of 2004

- 1.S.Subramanian
- 2.Karuppiyah Velar
- 3.Manicka Velar
- 4.Amaravathy
- 5.Periasamy
- 6.Peria Karuppan
- 7.Marudhu Muthu
- 8.A.Periasamy
- 9.Sundaram
- 10.Veeramuthu
- 11.Neelavathy
- 12.T.Valli
- 13.C.Murugesan
- 14.Velu
- 15.Chellammal
- 16.Thakshanamurthy
- 17.Penazhagi
- 18.Thavamani
- 19.Saraswathi
- 20.Ramalingam
- 21.Poongothai
- 22.Subramanian



.. Petitioners

-VS-

1. State of Tamilnadu, Rep .by
Secretary to Govt., Commercial
Taxes & Religious Endowment Dept.,
Fort St. George, Chennai 600 009.
2. The District Collector / Inspector of
Panchayats, Pudukottai District,.
3. The Inspector General of Registration,
Santhome High Road, Santhome,
Chennai 600 028.
4. The Sub-Registrar,
Pudukottai, Pudukottai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 2nd respondent passed in his proceedings Na.Ka.A3/3821/2003 dated 15.12.2003 in respect of Survey Nos.140/4D, 140/6B, 140/7, 140/8, 220/3, 220/4, 220/5, 221/5, 222/1, 222/2, 222/3, 222/4, 222/8, 226/1, 226/2, 226/3, 226/4, 226/5A, 226/5B, 226/6B, 226/6C, 227/1, 227/2, 227/3A, 227/3B, 227/3C, 227/4, 227/5A, 227/5B, 227/7, 227/6, 228, 229/1, 229/2, 229/3, 229/4A, 229/5, 229/6, 230/1, 230/2, 230/3, 4, 231/1, 231/2, 238/1, 238/2, 238/3A, 238/3B, 238/5 of Pudukottai Special Panchayats (South) Pudukottai District, quash the same.

For Petitioner : Mr.V.Babu

For Respondents : Mrs.Vasudha Thiagarajan
Addl. G.P.

ORDER

There are 22 writ petitioners. An order dated 15.12.2003 bearing Ref.Na.Ka./A3/3821/2003 passed by the second respondent before me, i.e., the District Collector of Pudukottai District, is called in question in this writ petition. This order is hereinafter referred to as 'impugned order', for the sake of brevity and clarity.

2. Subject matter of the writ petition is lands comprised in various Survey numbers (as set out in the prayer extracted supra) of Pudukottai District. In and by the impugned order, the second respondent has sustained the action of the fourth respondent, Sub Registrar, Pudukottai, in refusing registration of sale deeds with regard to lands comprised in various survey numbers set out in the prayer extracted supra. The ground on which the second respondent has sustained the action of the fourth respondent, Sub-Registrar, is that the lands were sought to be registered as house sites (plots) and that there is no approval from appropriate authority for the same.

3. Vide the impugned order, the second respondent has also stated that the approved layout plan is imperative and essential for registration of such documents.

4. With regard to registration of unapproved layouts, after notification of Section 47-A of the Registration Act, 1908, the State has also come out with two sets of Rules, namely, The Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017 and The Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas) Rules, 2017 and published the same in G.O. (Ms.) No.78, Housing and Urban

Development [UD4(3)] Department, dated 04.05.2017 and G.O. (Ms.) No.79, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017, respectively.

5. There cannot be any registration de hors the above said provisions and de hors the order of a Division Bench of this Court dated 12.05.2017 made in W.P.No.19566 of 2015 (to which I was a party).

6. Owing to all that have been stated supra, there is no infirmity whatsoever in the impugned order of the second respondent. In any event, even as on the date of the impugned order, writ petitioners had no right to insist that unapproved plots should be registered as housing sites.

7. If the writ petitioner conforms and complies with the obtaining set of Rules, which are now operating, referred to supra, it is open to the writ petitioner to approach the jurisdictional registering authority post compliance. This order will not preclude the writ petitioner from approaching the registering authority, after complying with all the approval procedures that are operating as of today.

8. The writ petitioner has not raised any ground, much less a tenable ground, to suggest that the impugned order is illegal or suffers from any other infirmity.

9. Thus, writ petition fails and the same is dismissed. No costs. Consequently, WP.M.P.No.47045 of 2004 is also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

sra

To

1. The Secretary to Govt. of Tamilnadu,
Commercial Taxes & Religious Endowment Dept.,
Fort St. George, Chennai 600 009.

2. The District Collector / Inspector of
Panchayats, Pudukottai District.

3. The Inspector General of Registration,
Santhome High Road, Santhome,
Chennai 600 028.

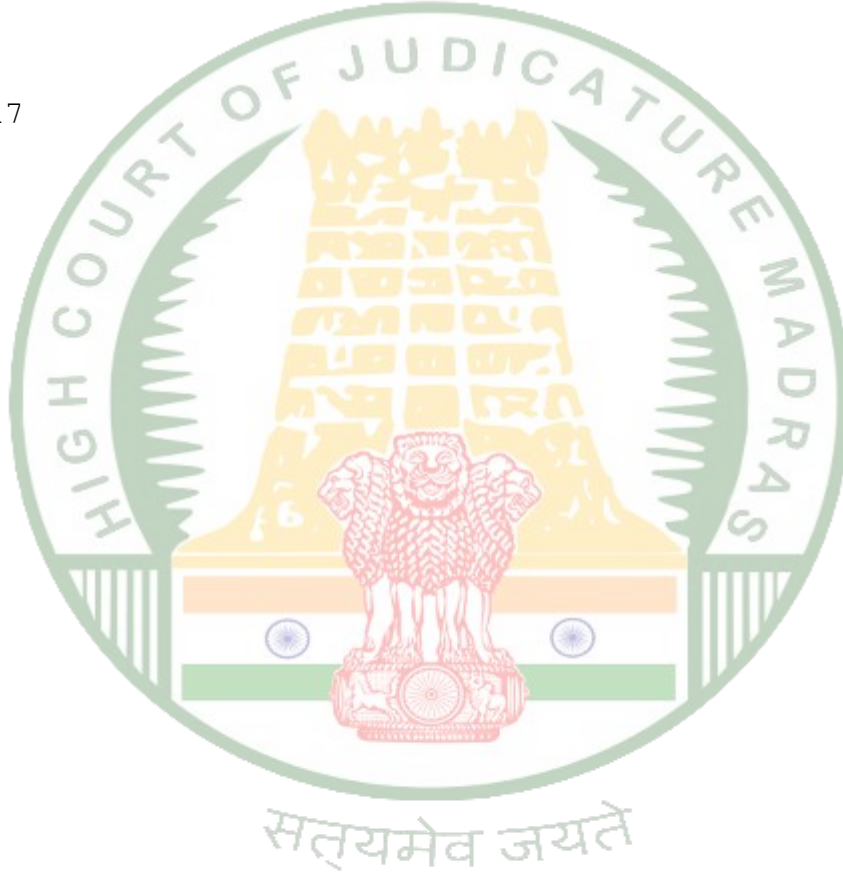
4. The Sub-Registrar,
Pudukottai, Pudukottai District.

+1cc to Mr.V.Babu, Advocate, S.R.No.53378

+1cc to the Government Pleader, S.R.No.56437

W.P.No.39474 of 2004

AR(CS V)
CS/28/08/17



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