



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.11.2018

CORAM:
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.6117 of 2018
and W.M.P(MD)No.5961 of 2018

WEB COPY

R.Palaniappan

... Petitioner

Vs.

1.The Sub-Registrar,
Vedasandur Sub-Registrar Office,
Vedasandur,
Dindigul District.

2.The Deputy Director,
Town and Country Planning,
No.4, Hakkim Amal Khan Road,
Chinna Chokkikulam,
Madurai.

...Respondents

(R - 2 is impleaded vide order, dated 05.06.2018
in W.M.P(MD)No.6343 of 2018)

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 proceedings of the respondent, dated 19.02.2018 refusing to register the sale deed executed by the Sub-Judge in favour of the petitioner and quash the same and consequently direct the first respondent to register the sale deed executed by the Sub-Judge, vedasandur in favour of the petitioner.

For Petitioner : Mr.S.Suresh

For R - 1 : Mr.M.Murugan,

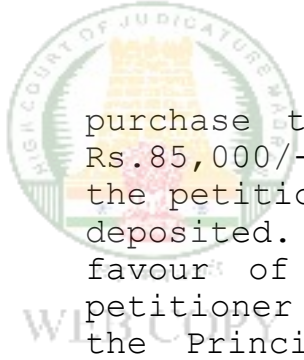
Government Advocate.

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the respondent, dated 19.02.2018 refusing to register the sale deed executed by the Sub-Judge in favour of the petitioner and quash the same and consequently direct the first respondent to register the sale deed executed by the Sub-Judge, vedasandur in favour of the petitioner.

2. Heard both sides and perused the materials available on record.

3. The case of the petitioner is that he entered into a sale agreement with one S.Balraj, who is a power of attorney holder, to



purchase the schedule mentioned property for a consideration of Rs.85,000/- and out of the same, a sum of Rs.76,750/- was paid by the petitioner as advance and remaining sale consideration has to be deposited. Since the said Balraj had not executed any sale deed in favour of the petitioner in terms of the sale agreement, the petitioner has filed a suit in O.S.No.1007 of 1994 on the file of the Principal Sub Court, Dindigul, for the relief of specific performance against the said S.Balraj. The petitioner has also deposited the remaining sale consideration in the Court.

4. The said suit was decreed in favour of the petitioner on 13.02.1998. Aggrieved over the same, the said Balraj/defendant preferred an appeal in A.S.No.251 of 1998 on the file of the Additional District Court (Fast Track Court), Dindigul and the said appeal suit was also dismissed for default on 03.02.2005.

5. In the meantime, the petitioner preferred an Execution Petition in E.P.No.161 of 2008 on the file of the Principal Sub Court, Dindigul and the same was transferred to Veda sandur Sub-Court and numbered as E.P.No.85 of 2012. Finally, the said Execution Petition was ordered and a sale deed was executed in favour of the petitioner by the learned Subordinate Judge, Veda sandur. When the sale deed was presented before the first respondent/the Sub-Registrar for registration, the first respondent, vide proceedings dated 19.02.2018 refused to register the same stating the order passed in W.P.No.19566 of 2015, in which the Sub-Registrars are directed not to register the plots in unapproved lay out in the State of Tamil Nadu.

6. The learned counsel appearing for the petitioner submitted that subsequent to the rejection of the first respondent, the Block Development Officer, Veda sandur, by proceedings in Na.Ka.No.2149/2013/A3, dated 06.09.2018, has approved the lay out for Plot Nos.26 to 33 in Survey No.156/3A1A and directed to pay necessary fees. The learned counsel further submitted that the petitioner has also paid the necessary fees.

7. The learned Government Advocate appearing for the first respondent, on instructions, submitted that since the said lay out has been approved by the local body, the petitioner can approach the respondent concerned with necessary documents for registering the same.

8. Considering the rival submissions and also taking into account the peculiar facts and circumstances of this case, this Court directs the petitioner to approach the concerned respondent by submitting the necessary document within a period of two weeks from the date of receipt of a copy of this order. The concerned respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of four weeks



9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

TO

1.The Sub-Registrar,
Vedasandur Sub-Registrar Office,
Vedasandur,
Dindigul District.

2.The Deputy Director,
Town and Country Planning,
No.4, Hakkim Amal Khan Road,
Chinna Chokkikulam,
Madurai.

• 1 CC TO Mr.S.SURESH , ADVOCATE IN SR No. 95295.
+1 cc to Special Government Pleader, SR.No.94976.

PS

DS PM SAR3 06 12 2018 3P 5C

W.P(MD)No.6117 of 2018
12.11.2018