

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.12664 of 2020
and
WMP No.15644 of 2020

S.Chinnadurai ...Petitioner
.Vs.

- 1 The Sub Registrar
Gandhipuram
Coimbatore
- 2 Arul Dass ...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records passed by the first respondent in refusal check slip dated 15.07.2020 bottom column and quash the same.

For Petitioner : Mr.M.Saravanakumar
For Respondent-1 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the respondent dated 15.07.2020, wherein the document submitted by the petitioner was refused to be registered by the respondent on the ground that the plot in question has not been regularised in accordance with G.O.Ms.No.78 dated 04.05.2017.

2. The learned counsel for the petitioner submitted that already 48 housing plots have been sold to various purchasers before October 2016 and the plot that is the subject matter of the present Writ Petition was the only plot which could not be sold by virtue of the subsequent G.O. that come into force from 04.05.2017. The learned counsel further submitted that the petitioner will give an undertaking before the respondent that the plot will be regularised within a short time and based on the undertaking, the document can be registered.

3. Per Contra, Mr.T.M.Pappiah, learned Special Government Pleader appearing for the first respondent submitted that the respondent cannot receive the document for registration, since the plot is admittedly not a regularised plot. The learned Special Government Pleader submitted that

the petitioner can get the plot regularised and thereafter, approach the respondent and the document will be registered.

4. This Court heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the first respondent and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, in the considered view of this Court the plot in question is admittedly not regularised. Unless and otherwise the plot is regularised, there is no question of respondent admitting the document for registration. G.O.Ms.No.78 dated 04.05.2017 clearly provides for the regularisation of unapproved plots. In the case of the petitioner, clause-3 of the said G.O. will squarely apply, since most of the plots have been sold through registered sale deeds as on 20th October 2016. In such an event, the petitioner may not have any difficulty in getting his plot regularised by bringing to the notice of the concerned authorities about the registration of sale deeds with regard to 48 plots on or before the coming into force of the G.O. On such regularisation of the unapproved plot, the petitioner can always submit the document before the respondent and get the document registered.

6. In view of the above, this Court is not willing to interfere with the impugned refusal slip issued by the respondent. It is always open to the petitioner to get the plot regularised in accordance with the G.O.Ms.No.78 dated 04.05.2017. Thereafter, the document can be submitted for registration and the respondent will entertain the document, if it is otherwise in order.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.
mra

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1 The Sub Registrar

Gandhipuram ,Coimbatore .

+1 cc to Government Pleader Sr.No. 32152

W.P.No.12664 of 2020

and

WMP No.15644 of 2020

gj (CO)

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A.SR(06/11/2020)