



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.11042 of 2021

S.Sasikumar

..Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Avadi.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondent to accept the sale deed submitted by the petitioner with respect to the property situated at Morai village, Ambattur Taluk, now Avadi Taluk, Thiruvallur District, comprised in Old Survey No.494 with Patta No.1496, New Survey Nos.494/2A, 494/2B4 and 494/3A2 admeasuring an extent of 7200 sq.ft. being the vacant house site.

For Petitioner : Mr.R.Agilesh

For Respondent : Mr.K.M.D.Muhilan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the respondent Sub Registrar to register the sale deed submitted by him.

2. According to the petitioner, the property sought to be registered originally belongs to one Ms.Malathi and thereafter B.Rajakumar purchased the same vide registered Sale Deed dated 13.02.2004 and the same was registered by the respondent Sub Registrar. Thereafter, the petitioner purchased the property through the Power Agent on 14.10.2020 and placed the same before the registrar for registration. But, he refused to accept the document on the ground that the property sought to be registered is in an unapproved layout and as per Section 22-A of the Registration Act unapproved layout cannot be registered.



3. The learned counsel appearing for the petitioner submitted that even though it is in an unapproved layout, already the property has been registered by the same Sub Registrar and as per proviso to Section 22(A)(2) of the Act once the property has been registered, the purchaser need not get permission from the planning authority for the same property which has been already registered as house site. Therefore, according to the learned counsel appearing for the petitioner, the respondent cannot refuse to register the same.

4. Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondent, on instructions, submitted that as per Section 22(A)(2) of the Act, the petitioner has to get necessary permission from the planning authority and if the property has been already registered as house site, the petitioner can very much approach the respondent and produce all those documents and the respondent may be directed to register the same.

5. According to the learned counsel appearing for the petitioner, the respondent refused to register the document only on the ground that it is an unapproved house site. The learned counsel further submitted that the very same property has already been registered as a house site by the very same Sub Registrar under proviso to Section 22(A)(2) of the Act and hence no such permission is required from planning authority. The learned counsel further submitted that he is ready and willing to produce all the relevant document to establish the same.

6. Considering the above submissions, the petitioner is directed to place all the materials before the respondent Sub Registrar to show that the property has already been registered as a house site, within a period of two weeks from the date of receipt of a copy of this order and on such production of the documents, the respondent Sub Registrar is directed to consider the same and pass orders on merits and in accordance with law, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kk



To

The Sub Registrar,
Office of the Sub Registrar,
Avadi.

+1cc to the Government Pleader, S.R.No.37393

W.P.No.11042 of 2021

KSM(CO)
CT(25/08/2021)