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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24547 of 2021

and

W.M.P.No.25849 of 2021

1. S.Prabhu
2. N.Selvaraj

...Petitioners

Vs

The Sub Registrar,
Avinashi,
Tiruppur District.

...Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated 13.10.2021 made in Check Slip No.317/2021 and to quash the same and consequently direct the respondent to register the sale deeds presented on 13.10.2021 by the petitioners and to return the documents on its registration forthwith.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated 13.10.2021 made in Check Slip No.317/2021 and to quash the same and consequently direct the respondent to register the sale deeds presented on 13.10.2021 by the petitioners and to return the documents on its registration forthwith.

2. The properties comprised in S.Nos.167/2A, 167/3 and 167/2B, ad-measuring to an extent of 2.04 cents out of 4.5 acres, ad-measuring to an extent of 0.91 acre out of 4.56 acres



and ad-measuring to an extent of 1.00.70 acres out of 1.03 acres, along with other properties situated at Chinnaripalayam Village, Avinashi Taluk, Tiruppur District, were allotted to the petitioners through family partition deeds, dated 25.11.2013, registered vide Document Nos.12026 and 12027 of 2013. The petitioners initiated steps to form a lay-out to the said properties and there were for registration of documents as per the guidelines issued by the Government of Tamil Nadu to regularize the unapproved lay-out, viz., the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017. Therefore, the petitioners decided to sell the entire lands as agricultural lands in favour of Chellaperumal and Balasubramaniam and executed sale deeds on 17.09.2021 and presented for registration before the respondent. However, by the impugned Check Slip dated 13.10.2021, the respondent returned the sale deeds for the reason that as per Section 22 (A) (2) of the Registration Act, 1908 and the documents presented are violative in nature and unapproved lay-out plots cannot be registered as agricultural/Punja lands and unless and until, the said plots are approved by DTCP authority, as required under Rule 15 of the Tamil Nadu Regularization of Unapproved Layout and Plots Rules, 2017.

3. The learned counsel for the petitioners relied upon the judgment of this Court dated 20.04.2021 in W.P.(MD).No.259 of 2021, in which this Court held that the bar that is imposed for registration for unapproved plots, cannot be extended to prevent the owner of the property from dealing with the property in its original form. Therefore, when once the petitioner has decided that the property is not going to be dealt with as an unapproved plot and it is going to be dealt with only as a punja land, there is no bar for the registering authority from entertaining the document for registration.

4. In the case on hand, admittedly, the subject lands are not house plots. On a perusal of the sale deeds, it reveals that the entire properties are comprised in S.Nos.167/2A, 167/3 and 167/2B ad-measuring to an extent of 2.04 cents out of 4.5 acres, ad-measuring to an extent of 0.91 acre out of 4.56 acres and ad-measuring to an extent of 1.00.70 acres out of 1.03 acres along with other properties. Therefore, there is no bar to register those sale deeds presented for registration, since both the properties are Punja Lands and the said properties are not going to be dealt with as an unapproved plot.

5. In view of the above discussion, the impugned Check Slip dated 13.10.2021 issued by the respondent is hereby quashed. The respondent is directed to register the sale deeds dated 13.10.2021 and release the same forthwith.



6. In the result, this Writ Petition is allowed as prayed for. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar,
Avinashi,
Tiruppur District.

+1cc to Mr.C.Prabakaran, Advocate SR. No.59389

W.P.No.24547 of 2021

PL (CO)

PR (09/12/2021)