



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.259 of 2021

WEB COPY

R.Rajagopal

.. Petitioner

Vs.

1.The District Registrar,
Virudhunagar
Virudhunagar District.

2.The Sub-Registrar,
Virudhunagar,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in RFL/Aruppukottai/97/2020 dated 21.12.2020 quash the same and consequently direct the 2nd respondent to take on file the partition deed dated 12.12.2020 submitted by the petitioner and register the same.

For Petitioner : Mr.A.Srinivasan
For Respondents : Mr.K.Sathiya Singh,
Addl. Government Pleader

ORDER

On consent given by either side, the main Writ Petition itself is taken up for final hearing.

2. This Writ Petition has been filed challenging the impugned refusal check slip dated 21.12.2020 and for a consequential direction to the second respondent to take on file and register the partition deed dated 12.12.2020.

3. The case of the petitioner is that his father owned an extent of 2 acres 27 cents vide registered document No.1.1086.191.94.1395/1974 dated 18.07.1974. The further case of the petitioner is that out of the total extent, they sold one acre and executed a sale deed in favour of Aruppukottai Municipality and 15,000 sq. ft. to one Geetha and Thirukumaran. Thereafter a partition took place among the family members through a partition deed dated 12.12.2020. The second respondent, by virtue of the impugned refusal check slip, refused to entertain the partition deed, on the ground that the partition deed relates to a property which has been converted into a house site and hence, approval has to be obtained from the concerned authority for registration of the same. Aggrieved by the same, the present Writ Petition has been filed before this Court.



4. This Court intervened in the sale of unapproved plots and therefore, registration of unapproved plots was completely stopped throughout Tamil Nadu. The Government came up with Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017. That apart, Section 22A of the Registration Act also barred registration of unapproved plots.

5. Heard Mr.A.Srinivasan, learned counsel appearing on behalf of the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader appearing on behalf of the respondents.

6. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is not dealing with the property as a plot and he wants to deal with the property only as a punja land and therefore, the bar under Section 22A of the Registration Act and Rule 15 of the Tamil Nadu Regularization of unapproved Layout and Plots Rules, 2017 will not have any application in the present case. The learned counsel further submitted that even the Rule does not prohibit the owner of the property from dealing with the property, where the same is not dealt with as unapproved plot.

7. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioner has to necessarily get the unapproved plot regularized as per the Rules and only thereafter, the petitioner will be allowed to deal with the property and the documents will be entertained by the second respondent.

8. In the considered view of this Court, the above said Rules were brought into force only to curb the menace of unapproved layouts all over the State of Tamil Nadu. This was done in order to protect the interest of the innocent purchasers, who buy this unapproved plots and ultimately suffer even without basic infrastructure facilities. The Registration Act read with this Rules completely bars registration of any unapproved plot. It must be borne in mind that the said bar will operate only where the owner of the property wants to deal with the property as an unapproved plot. This bar will not apply where the owner of the property wants to deal with the property in its original form. In the present case, the petitioner wants to deal with the property as a punja land and not as a plot.

9. If the petitioner is prevented from dealing with the property as a punja land, it will be directly in violation of Article 300A of the Constitution of India. 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, 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, this Court does not



find any bar in the second respondent entertaining the document for registration.

10. In view of the above discussion, the impugned refusal check slip issued by the second respondent is hereby quashed. There shall be a direction to the second respondent to entertain the partition deed presented by the petitioner for registration after ensuring that the petitioner is dealing with the property only as a punja land and not as a housing plot. Once necessary stamp duty and registration charges are paid, the document can be registered and it can also be released. It is also made clear that the registration of the sale deed will not in any way regularize the earlier sale of unapproved plots and as and when those plots are sought to be dealt with, the Tamil Nadu Regularization of unapproved Layouts and Plots Rules, 2017 will automatically come into force. This clarification is required in order to ensure that this order is not misconstrued.

11. This Writ Petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

In view of the present lock down owing to COVID-19
Note : pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The District Registrar,
Virudhunagar
Virudhunagar District.

2.The Sub-Registrar,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-16901[F] dated 21/04/2021)
+1 CC to M/s.SPL GP (SR-16979[F] dated 21/04/2021)
+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-3461[F] dated 05/02/2021)

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