



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.04.2021**

CORAM

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

W.P. (MD)No.7801 of 2021

and W.M.P. (MD)No.5941 of 2021

WEB COPY

T.Maragathamani

.. Petitioner

Vs.

1.The District Registrar,
Combined District Registration Building
Campus,
Thoothukudi, Thoothukudi District.

2.The Sub-Registrar,
Ottapidaram,
Ottapidaram Taluk,
Thoothukudi 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 relating to the impugned proceedings of the 2nd respondent in Refusal Check Slip dated 06.01.2021 and quash the same and further directing the 2nd respondent to entertain the sale deed dated 30.12.2020 for registration and consequently to register the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.Sathyasingh,
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 06.01.2021 and for a consequential direction to the second respondent to entertain the sale deed dated 30.12.2020 for registration.

3. The case of the petitioner is that she owned an extent of 9 acres 21 cents, which was purchased by her by virtue of two sale deeds dated 01.04.1992 and 11.08.1992. The further case of the petitioner is that in the year 2016, the petitioner formed a layout



and sold four plots on 19.08.2016.

4. In the meantime, 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. The specific case of the petitioner is that she was not able to get the layout regularized and therefore, she gave up her attempts to restore the property as plots. Therefore, the petitioner decided to sell the remaining property measuring an extent of 2 acres as a punja land.

6. The petitioner executed a sale deed dated 30.12.2020 with respect to the remaining extent of property in favour of one Jasmine and presented the same for registration before the second respondent. The second respondent, by virtue of the impugned refusal check slip, refused to entertain the sale deed, on the ground that the entire layout must be approved in accordance with the above said Rules and in the absence of the same, the property cannot be dealt with by the petitioner. Aggrieved by the same, the present Writ Petition has been filed before this Court.

7. Heard Mr.M.P.Senthil, learned counsel appearing on behalf of the petitioner and Mr.K.Sathyasingh, learned Additional Government Pleader appearing on behalf of the respondents.

8. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is not dealing with the property as a plot and she 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.

9. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the entire property was converted into unapproved plots and the petitioner had sold four plots in the year 2016. The learned counsel further 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.

10. In the considered view of this Court, the above said Rules <https://www.elections.gov.in/services> to 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.

11. 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.

12. 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 sale 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 four unapproved plots made in the year 2016 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.

13. This Writ Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

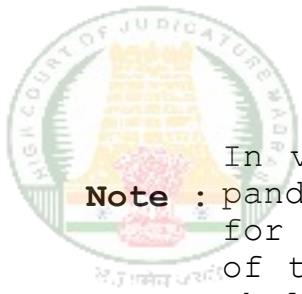
Sd/-

Assistant Registrar (crl.side)

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/ /2021

Sub Assistant Registrar(CS)



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.

vsm

To

- 1.The District Registrar,
Combined District Registration Building
Campus,
Thoothukudi, Thoothukudi District.
- 2.The Sub-Registrar,
Ottapidaram,
Ottapidaram Taluk,
Thoothukudi District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-15923[F] dated 16/04/2021)
+1 CC to M/s.AGP (SR-15981[F] dated 16/04/2021)

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