



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)Nos.12475 & 12476 of 2021
and W.M.P. (MD) .Nos.9773 & 9774 of 2021

N.Durai

... Petitioner in both petitions

Vs.

The Joint Sub-Registrar No.1,
Palani.

... Respondent in both petitions

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent impugned order in Refusal Nos.RFL/1JSR, Palani/24/2021 and RFL/1JSR, Palani/25/2021, dated 19.07.2021 quash the same and directing the respondent to register the document in respect of Plot No.3 and Plot No.4, Periyappa Nagar, Survey No.4B2, Palani Revenue Village, Palani Municipality Limit forthwith.

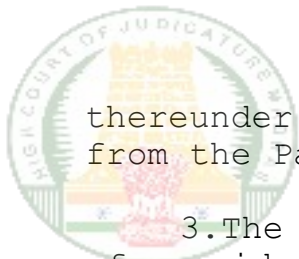
For Petitioner : Mr.R.M.Arun Swaminathan in both petitions
For Respondent : Mr.P.Subbaraj in both petitions
Counsel for State

COMMON ORDER

The petitioner challenges the Refusal Check Slips dated 19.07.2021 and seeks a consequential direction to the respondent to register the document in respect of Plot No.3 and 4, Periyappa Nagar, S.No.4B2, Palani Revenue Village, Palani Municipality.

2.The petitioner states that the aforesaid properties originally belonged to the ancestor of the petitioner's vendor, namely, one Selvaraj. It is stated that the said properties were partitioned on the basis of a partition decree issued in I.A.No.810 of 1970 in O.S.No.135 of 1966 of the Sub Court, Dindigul. After purchasing the properties, the petitioner applied for regularization. In response to such request, the Deputy Director of the Town and Country Planning Department, Madurai Zone informed the petitioner that such regularization could be granted at the local

<https://hcservices.mca.gov.in/hcservices/>



thereunder. Pursuant thereto, regularization orders were obtained from the Palani Municipality on 15.12.2020.

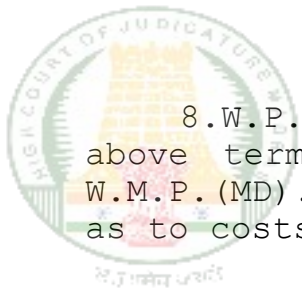
3.The petitioner states that in spite of submitting the aforesaid documents, the respondent has refused to register the respective document by citing completely untenable reasons. By drawing reference to the impugned communications, it is stated that the respondent has called for a Topography map from the DTCP and has rejected the request for registration on such basis. According to the petitioner, the impugned orders are completely unsustainable inasmuch as the provisions of the Registration Act 1908, do not enable the respondent to refuse registration on such ground.

4.On the contrary, the State relies upon the counter affidavit filed through the Joint Sub Registrar No.I, Palani. In particular, it is submitted that the impugned order is subject to a statutory appeal. In addition, it is submitted on behalf of the respondent that the adjacent property was registered at a time when there was no restriction with regard to registering unapproved plots/lay outs.

5.The Registration Act, 1908, sets out the various grounds on which the respondent is entitled to refuse to register a document that is presented for registration. Section 22 A thereof prohibits the registration of documents of conveyance as regards house sites without the permission for development of such land from the planning authority concerned.

6.In the case at hand, the petitioner has produced the proceedings of the Deputy Director, DTCP Madurai Zone as well as the regularization orders issued in respect of both the plots by the Palani Municipality. On the basis of the aforesaid documents, it is evident that the petitioner has obtained permission for the development of the land from the relevant planning authority. Once such permission is obtained, the registration department cannot refuse registration by insisting on the production of documents such as the Topography plan.

7.For the reasons aforesaid, the impugned order dated 19.07.2021 cannot be sustained. Consequently, the impugned order is quashed. As a corollary, the matter is remitted to the respondent for reconsideration of the application for registration. The petitioner is permitted to resubmit the relevant document for registration within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the respondent is directed to decide such application by taking into account the observations herein and complete the entire exercise within a period of 30 days from the date of receipt of the resubmitted document from the petitioner.



8.W.P.(MD).Nos.12475 and 12476 of 2021 are disposed of on the above terms. Consequently, connected miscellaneous petitions in W.M.P.(MD).Nos.9773 and 9773 of 2021 are closed. There is no order as to costs.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 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

The Joint Sub-Registrar No.1,
Palani.

+1 CC to M/s.SPL GP (SR-27171[F] dated 25/08/2021)

W.P(MD)Nos.12475 & 12476 of 2021

24.08.2021

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