



WEB COPY



W.P.No.26628 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26628 of 2022

Tirupathi

... Petitioner

vs.

1. The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai – 600 028.

2. The Sub Registrar,
Palacode Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Refusal Check Slip in Refusal number RFL/PALACODE/40/2022 dated 15.07.2022 and to quash the same as illegal and unsustainable and further direct the respondent to admit and register the Sale Deed dated 14.07.2022 between the petitioner and the legal heirs of Vadivel with respect to properties in S.No.1041/6A1A, measuring an extent of 1568 sq.ft., which is situated in Palacode Village, Palacode Taluk, Dharmapuri District, Palacode



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For Petitioner : Mr.V.Sakkarapani

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the the proceedings of the second respondent in Refusal number RFL/PALACODE/40/2022 dated 15.07.2022 and further to direct the respondents to register the Sale Deed dated 14.07.2022 executed by the petitioner and the legal heirs of Vadivel with respect to properties in S.No.1041/6A1A, measuring an extent of 1568 sq.ft., which is situated in Palacode Village, Palacode Taluk, Dharmapuri District Palacode Sub Registrar Office.

2. It is the case of the petitioner that he is the owner of the above said property situated in said Village after purchasing them from the legal heirs of one Vadivelu *vide* Sale Deed dated 14.07.2022. When the said Sale Deed was presented before the second respondent, the same was refused to be registered *vide* Refusal Check Slip dated 15.07.2022 on the ground that the



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DTCP approval has not been submitted by the petitioner. Challenging the said refusal check slip, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised in the present Writ Petition, learned counsel for the petitioner at the time of arguments restricted his prayer and submitted that this Court may permit the petitioner to approach the concerned authority of the Tamil Nadu Town and Country Planning for approval of the above subject property and if the same is granted in favour of the petitioner, he may be directed to present a fresh application before the second respondent with regard to the registration of the above said sale deed dated 14.07.2022 and upon receipt of the same, the second respondent may be directed to register the document presented by the petitioner.

4. The learned Additional Government Pleader appearing for the respondents has no objection for said order being passed.



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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the stand taken by the learned counsel appearing for the petitioner, this Court, without interfering the order under challenge, permits the petitioner to present a fresh application before the concerned authority of the Tamil Nadu Town and Country Planning for approval of the subject property and if the said approval is granted in favour of the petitioner, liberty is granted to the petitioner to represent the sale deed dated 14.07.2022 before the second respondent for registration and upon receipt of the same, the second respondent is directed to entertain the document presented by the petitioner as expeditiously as possible. Accordingly, with the above observations and directions, this Writ Petition is disposed of. No costs.

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RAP

Index : Yes/No

Speaking order : Yes/No

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M.DHANDAPANI, J.

RAP



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