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W.P.No.29449 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29449 of 2022

T.S.Palanisamy

... Petitioner

Vs.

The Sub – Registrar,
Mettur,
Salem District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus directing the respondent to call for the records relating to the order passed by the respondent in Na.Ka.No.613/2022 dated 26.10.2022 quash the same and direct the respondent to receive the sale deed of the property in S.No.310/3B and 313/1B to the extent of 1976 sq.feet at Aalamaruthupatti Village, Mettur Taluk, Salem District for registration without insisting upon the production of the individual plot approval.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.E.Vijay Anand

Additional Government Pleader



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus directing the respondent to call for the records relating to the order passed by the respondent in Na.Ka. No.613/2022 dated 26.10.2022, to quash the same and direct the respondent to receive the sale deed of the property in S.No.310/3B and 313/1B to the extent of 1976 sq.feet at Aalamaruthupatti Village, Mettur Taluk, Salem District, for registration without insisting upon the production of the individual plot approval.

2.The case of the petitioner is that the petitioner presented a sale deed for registration and the same was refused on the ground that the land has not been approved by the competent Authority citing Section 22 – A of the Registration Act. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the issue involved in the present case is no longer *res integra*. It has already been considered by this Court in its decision made in W.P.No.7807 of 2021, dated 10.11.2021, wherein, this Court had followed the decision of the Hon'ble Division Bench of this Court



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reported in (2020) 6 CTC 697 [N.Ramayee Vs. Sub-Registrar, Registration Department and Another], and allowed the said writ petition.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.The facts in the present case is not in dispute. The petitioner sub-divided his lands into 23 plots and already alienated 22 plots. Inorder to alienate the remaining one plot, the petitioner presented the sale deed for registration, however, the same was refused on the ground that Section 22 – A of the Registration Act has been amended vide G.O.Ms.No.123, dated 20.10.2016, as per which, un-approved land cannot be presented for registration.

6.The decisions relied upon by the learned counsel appearing for the petitioner is not applicable to the present case on hand since the decisions cited relates to existence of sale agreement is not bar for registration, whereas, the present case is for registration of un-approved plot which is barred for registration under Section 22 – A of Registration Act.



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7.Unless the disputed plot is approved by the competent Authority and regularized by way of Government Order, the relief sought for in this writ petition cannot be granted. Hence, liberty is granted to the petitioner to approach the competent Authorities for regularization of the land and if the land is regularized, further liberty is granted to the petitioner to present the same for registration.

8.With the above observations, the writ petition stands dismissed. No costs.

07.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

The Sub – Registrar,
Mettur,
Salem District.

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M.DHANDAPANI,J.
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