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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.02.2022
CORAM:
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
W.P.[MD]No.2544 of 2022

Senthilkumar ... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhom Highroad,
Pattinampakkam,
Chennai.

2.The Deputy Inspector General of Registration
Registration Department,
South Zone,
Madurai.

3.The District Registrar,
District Registrar Office,
Katcheri Road,
Virudhunagar.

4.The Sub Registrar,
Sub Registrar Office,
Kunnoor,
Virudhunagar District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to register the sale deed in survey Nos.1271/2A, 1272/2B, 1271/2C, 1277/7, 1171/4, 1162, 1162/2, 1187/1, 1271/1, 1272/1, 1277/4, 1277/6, situated at Mangalam Village, Watrap Taluk, Virudhunagar District, on the basis of the petitioner's representation dated 12.01.2022.

For Petitioner : Mr.S.Muniyandi, Advocate
For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

O R D E R
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This writ petition has been filed seeking for a Mandamus to direct the fourth respondent to register the sale deed in S.Nos.1271/2A, 1272/2B, 1271/2C, 1277/7, 1171/4, 1162, 1162/2, 1187/1, 1271/1, 1272/1, 1277/4, 1277/6, situated at Mangalam Village, Watrap Taluk, Virudhunagar District, based on the

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petitioner's representation, dated 12.01.2022 and pass orders within a time frame to be fixed by this Court.

2.The case of the petitioner is that pursuant to an order passed by this Court in a public interest litigation, plots in unapproved layout were not allowed to be registered. According to the petitioner, he is doing real estate business and before the aforesaid order came to be passed, he had sold several plots in the unapproved lay out mentioned in the aforementioned representation, dated 12.01.2022. However, according to him, some other plots remained unsold. According to the petitioner, when he presented the sale deed for the unsold plots for registration, the respondents refused to register the same from 2016 onwards.

3.According to the petitioner, in the year 2017, the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017, came into force and as per the said Rules, if the plots were already sold in an unapproved layout and there were balance plots in the same layout that need to be sold, there is no bar for the respondents to register those sale deeds.

4.According to the petitioner, the sale deeds reflected in the representation, dated 12.01.2022 pertain to plots which remained unsold in the unapproved lay out, though some other plots were sold prior to the passing of the order of this Court in the public interest litigation. According to the petitioner, as per the aforementioned Rules, there is no bar for registration of sale deeds mentioned in the representation, dated 12.01.2022. Since the representation, dated 12.01.2022 has not been considered till date, the petitioner has filed this Writ Petition.

5.Heard Mr.S.Muniyandi, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

6.On instructions, learned Government Advocate for the respondents, would submit that being unapproved plots there is a bar for registration of the sale deeds. However, the learned counsel for the petitioner drew the attention of this Court to the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017 and would submit that in terms of the said Rules, the sale deeds reflected in the representation can be registered, even though they fall in an unapproved layout.

7.This Court is of the considered view that no prejudice would be caused to the respondents, if the representation of the petitioner dated 12.01.2022 is considered on merits and in accordance with law. Therefore, this Court directs the fourth respondent to consider the petitioner's representation, dated 12.01.2022 seeking registration of the sale deeds in S.Nos.1271/2A, 1272/2B, 1271/2C, 1277/7, 1171/4, 1162, 1162/2, 1187/1, 1271/1,

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1272/1, 1277/4, 1277/6, situated at Mangalam Village, Watrap Taluk, Virudhunagar District, and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

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8.With the aforesaid directions, this writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

To

1.The Inspector General of Registration,
Registration Department,
Santhom Highroad,
Pattinampakkam,
Chennai.

2.The Deputy Inspector General of Registration
Registration Department,
South Zone,
Madurai.

3.The District Registrar,
District Registrar Office,
Katcheri Road,
Virudhunagar.

4.The Sub Registrar,
Sub Registrar Office,
Kunnoor,
Virudhunagar District.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-4707[F] dated 08/02/2022)

+1 CC to M/s.SPL.GP (SR-5036[F] dated 09/02/2022)

ORDER MADE IN
W.P.[MD]No.2544 of 2022
08.02.2022

RS(24.02.2022) 3P-7C

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