



W.P.No.4683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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S. Indirani

... Petitioner

Vs.

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

2.The District Registrar,
Office of District Registrar,
Velappadi, Vellore District.

3.The Sub Registrar,
SRO Office, Gudiyatham,
Vellore 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 from the file of the 3rd respondent relating to RFL/Gudiyatham/5/2023 dated 27.01.2023 and quash the same and consequently to direct the 3rd respondent to register the documents on presentation relating to the property comprised in Survey No.320/1 and



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320/3, Sakkubai Nagar, Erthangal Village, Gudiyatham Taluk, Vellore District by fixing the guideline value at the rate of Rs.168/- as fixed for Survey No.320/2, as per G.O (Ms) No.78 dated 04.05.2017 Housing and Urban Development Department.

For Petitioner : Mr.D. Thirumoorthy

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

When the petitioner herein, had presented a Sale Deed dated 25.01.2023 before the third respondent herein, for registration of a property comprised in Survey Nos.320/1, 320/2 and 320/3 in Sakkubai Nagar plots, the same was refused stating that no plot in Survey Nos.320/1 and 320/3 has been registered prior to 20.10.2016, which is the cut off date for registration of unapproved layouts under the scheme in G.O.Ms.No.78 Housing and Urban Development Department dated 04.05.2017. Challenging the said refusal, the present Writ Petition has been filed.



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2. The learned counsel for the petitioner submitted that the third respondent has no authority to refuse registration of a document, particularly when the plots comprised in Survey Nos.320/1, 320/2 and 320/3 have already been regularized on 19.12.2022 by the Tamil Nadu Real Estate Regulatory Authority.

3. Per contra, the learned Special Government Pleader appearing for the respondents submitted that as per G.O.Ms.No.78 dated 04.05.2017, the cut off date for regularization of unapproved layouts was 20.10.2016 and since the regularization was after the cut off date, the registration cannot be effected.

4. The reasoning adopted by the third respondent, refusing to register the Sale Deeds, appears to be misplaced. G.O.Ms.No.78 dated 04.05.2017, does not relate to the powers of the Registering Authority to register an unapproved plot. On the other hand, G.O.Ms.No.78, only provides for the cut off date for considering the regularization of



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unapproved plots and does not empower the Registering Authority to refuse registration of an unapproved plot. It is also not in dispute that there is no other Government Order or Circular of the Inspector General of Registration, which prohibits the registration of an unapproved plot. Above all, the plot 32 in Survey No.320/3, which is now said to be sold through petitioner's Sale Deed dated 25.01.2023, has been regularized by the Tamil Nadu Real Estate Regulatory Authority through their order in TN/5/Regularisation-Layout/10150/2022 dated 19.12.2022. Thus, placing reliance on G.O.Ms.No.78 dated 04.05.2017 and refusing registration, in the absence of any regulations empowering the Registering Authority to refuse such registrations, is illegal.

5. In line of the above findings, the impugned refusal slip dated 27.01.2023, is quashed. Consequently, there shall be a direction to the third respondent herein, to register the petitioner's Sale Deed dated 25.01.2023, without reference to G.O.Ms.No.78 Housing and Urban Development Department dated 04.05.2017, within a period of two (2) weeks from the date of receipt of a copy of this order.



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6. With the above directions, the Writ Petition stands allowed. No costs. The Registry is directed to return the original Sale Deed to the learned counsel for the petitioner.

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Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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To

1.The Inspector General of Registration,
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M.S.RAMESH,J.

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