



W.P.No.24729 of

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24729 of 2023

and

W.M.P.No.24168 of 2023

Suresh Pillai

... Petitioner

Vs.

The Sub Registrar,
Office of Sub Registrar,
Thiruthuraipoondi Taluk,
Thiruvarur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to impugned order of passed by the respondent in Refusal Check Slip No. RFL/Thiruthuraipoondi/103/2023 dated 13.07.2023, thereby refusing to register the document and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the Sale Deed dated 27.06.2023 presented by Petitioner.

For Petitioner

: Mr.B.Sarath Raj

For Respondent

: Mr.E.Sundaram
Government Advocate



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ORDER

The impugned refusal check slip issued by the respondent in proceedings dated 13.07.2023 is under challenge in the present writ petition.

2. The petitioner presented the sale deed for registration. The document was returned on the ground that the subject property was already divided as house sites and sold to various other persons. Thus, approval from the planning authority is required under Section 22-A(2) of the Registration Act. Since the petitioner has failed to produce the approval from the planning authority the document was returned.

3. The learned counsel for the petitioner states that the subject property is an agricultural land measuring to an extent of 0.69.0 ares. However, the petitioner is not purchasing the entire extent of the subject land. The petitioner is purchasing a smaller extent of 0.07.0 ares. Therefore, there is a every reason to believe that the subject property has already been divided as house sites or an unapproved layout has been formed. In either circumstances, the petitioner has to approach the planning authority for obtaining necessary approval.



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4. Section 22-A(2) of the Registration Act stipulates that the Registering Officer shall refuse the registered instrument relating to transfer of ownership of lands converted as house sites without the permission for development of such lands from the planning authority concerned.

5. In the present case, the Registering Authority found that the agricultural lands has already been converted as house sites. Therefore, the petitioner has to obtain necessary approval from the planning authority for the purpose of registration. Thus, the petitioner is at liberty to submit an application seeking planning approval under the provisions of the Statutes and in the event of submitting the copy of the approval from the planning authority, the registering authority shall proceed with the registration by following the procedures as contemplated under the Registration Act.



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6. With this liberty, this Writ Petition stands disposed of. No costs.

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Consequently, connected Miscellaneous Petition is closed.

11.09.2023

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Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Sub Registrar,
Office of Sub Registrar,
Thiruthuraipoondi Taluk,
Thiruvarur District.



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S.M.SUBRAMANIAM, J.

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