



WEB COPY



W.P.Nos. 25919 & 25311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.Nos.25919 & 25311 of 2023

1.P.Dhandayudham
2.Balaraman
3.Venkatraman
4.Pa.Manian

.. Petitioners
in WP 25919/23

Pa.Manian

.. Petitioner
in WP 25311/23

VS

1.The Inspector General of Registration
Registration Department,
No.100, Santhome High Road,
Chennai – 28.

2.The District Registrar, Salem East.

3.The Sub Registrar
Gangavalli, Salem District – 636 105.

4.The Assistant Director,
Office of the District Town and Country Planning,
Salem District.

.. Respondents
in both writ petitions

Prayer in W.P.No.25919 of 2023: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for refusal slip in bearing no. RFL/Gangavalli/31/2023 dated 28.07.2023 on the file of the 3rd respondent to quash the same and consequently direct the 3rd



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respondent to register the gift deed bearing ref no.TP/156893755/2023 dated 27.07.2023 in favour of the fourth respondent.

Prayer in W.P.No.25311 of 2023: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for refusal slip in bearing no. RFL/Gangavalli/32/2023 dated 28.07.2023 on the file of the 3rd respondent to quash the same and consequently direct the 3rd respondent to register the gift deed bearing ref no.TP/156898118/2023 dated 27.07.2023 in favour of the fourth respondent.

For Petitioner : Ms.D.Sagunthala
(in both writ petitions)

For Respondents : Mr.G.Krishnaraja
AGP
(in both writ petitions)

COMMON ORDER

The refusal check list issued by the third respondent, the Sub Registrar, is under challenge in the present writ petitions.

2. The petitioners are the absolute owners of the subject land described in the present writ petitions. The petitioners have developed the vacant lands as layout consisting 28 housing plots, after obtaining panchayat approval in the year 2015 – 2016. The plots are being sold to third parties. The gift deed yet to be



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presented by the writ petitioner was returned by the Sub-Registrar on the ground that the petitioners have not obtained approval from the planning authority as required under Section 22A(2) of the Registration Act. An instrument relating to the transfer of ownership of lands converted as housing sites without the permission for development of such land from planning authority concerned is liable to be refused by the registering authority.

3. Learned counsel for the petitioners made a submission that the approval has already been obtained and the petitioners are ready to execute the gift deed in favour of the local authorities in compliance with the provisions of the Town and Country Planning Act. That being the submission made, the petitioners are at liberty to re-present the document for registration and the third respondent is directed to verify the correctness of the documents in accordance with the provisions of the Registration Act and consequently complete the process of registration as expeditiously as possible.

4. Accordingly, the impugned refusal check-list issued by the third respondent in proceedings dated 28.07.2023 is quashed. The petitioners are bound to produce the original gift deed



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documents along with the plan approval and other requisite documents, enabling the third respondent to complete the registration.

5. Accordingly, writ petitions stand allowed. No costs.

15.09.2023

Index:Yes
Neutral Citation:Yes
ssm

To

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S.M. SUBRAMANIAM,J.

ssm

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