



W.P(MD)No.362 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.362 of 2023

and

W.M.P(MD)No.343 of 2023

Jayakannan

... Petitioner

Vs

The Sub Registrar,
Sankaran Kovil Sub Registrar Office,
Sankaran Kovil,
Tenkasi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned orders of the respondent made in refusal check slip nos. RFL/Sankaran Kovil/60/2022 dated 23.12.2022, RFL/Sankaran Kovil/61/2022 dated 23.12.2022, RFL /Sankaran Kovil / 62 / 2022 dated 23.12.2022, RFL /Sankaran Kovil / 63 / 2022 dated 23.12.2022, RFL /Sankaran Kovil / 64 / 2022 dated 23.12.2022, RFL /Sankaran Kovil / 65 / 2022 dated 23.12.2022, and to quash the same as unsustainable and consequently to direct the respondent to register the petitioners 6 settlement deeds dated 22.12.2022 in respect of the lands situating in Re-survey Nos.711/3A & 711/4A1B, A.Karisalkulam Village, Kuruvikulam Union, Thiruvengadam Taluk, Tenkasi District within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mr.N.Satheeskumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner executed as many as six deeds of settlement in favour of his parents, siblings and cousin. The respondent declined to register the same on the ground that the land in question is agricultural in character and that the petitioner is unauthorizedly developing the same by plotting it out. To this effect, the impugned refusal check slip came to be issued. Challenging the same, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out therein and called upon this Court to grant relief as prayed for.

4.The learned Additional Government Pleader appearing for the respondents submitted that the impugned refusal check slip does not warrant interference.



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5.I carefully considered the rival contentions. The issue raised in the writ petition is no longer *res integra*. A learned Judge of this Court vide order dated 15.04.2021 in W.P(MD)No.7801 of 2021 was confronted with a similar situation. The said writ petition was allowed in the following terms:

“10. In the considered view of this Court, the above said Rules were brought into force only to curb the menace of unapproved layouts all over the State of Tamil Nadu. This was done in order to protect the interest of the innocent purchasers, who buy this unapproved plots and ultimately suffer even without basic infrastructure facilities. The Registration Act read with this Rules completely bars registration of any unapproved plot. It must be borne in mind that the said bar will operate only where the owner of the property wants to deal with the property as an unapproved plot. This bar will not apply where the owner of the property wants to deal with the property in its original form. In the present case, the petitioner wants to deal with the property as a punja land and not as a plot.

11. If the petitioner is prevented from dealing with the property as a punja land, it will be directly in violation of Article 300A of the Constitution of India. The bar that is imposed for registration for unapproved plots cannot be extended to prevent the owner of the property from dealing with the property in its original form. Therefore, once the petitioner has decided that



the property is not going to be dealt with as an unapproved plot and it is going to be dealt with only as a punja land, this Court does not find any bar in the second respondent entertaining the document for registration.

12. In view of the above discussion, the impugned refusal check slip issued by the second respondent is hereby quashed. There shall be a direction to the second respondent to entertain the sale deed presented by the petitioner for registration after ensuring that the petitioner is dealing with the property only as a punja land and not as a housing plot. Once necessary stamp duty and registration charges are paid, the document can be registered and it can also be released. It is also made clear that the registration of the sale deed will not in any way regularize the earlier sale of four unapproved plots made in the year 2016 and as and when those plots are sought to be dealt with, the Tamil Nadu Regularization of unapproved Layouts and Plots Rules, 2017 will automatically come into force. This clarification is required in order to ensure that this order is not misconstrued.

13. This Writ Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.”

Adopting the very same approach, I quash the refusal check slip impugned in the writ petition. The petitioner is permitted to re-present the documents. In



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the re-presented documents there has to be a recital to the effect that the siblings will continue to maintain the character of the settled property as agricultural land and if they propose to deal with the same for nonagricultural purposes or housing plots, they will do so only after obtaining permission from the competent authority. If such a recital is incorporated in the re-presented documents, the respondent will receive the same, register it and release the same subject to the fulfilment of the other usual formalities.

6.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.02.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

The Sub Registrar,
Sankaran Kovil Sub Registrar Office,
Sankaran Kovil,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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