



W.A.(MD).No.258 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.10.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.258 of 2020

R.Hema Rajeshwari

.. Appellant/Petitioner

Vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Vellipattinam,
Ramanathapuram District.

..Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the final order passed in W.P.(MD).No.26571 of 2019 dated 08.01.2020.

For Appellant : Mr.S.Malaikani

For Respondent : Mr.S.Kameswaran
Government Advocate



W.A.(MD).No.258 of 2020

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The order dated 08.01.2020 passed in W.P.(MD).No.26571 of 2019 is under challenge in the present intra-Court appeal.

2. The appellant presented a sale deed for registration under Section 17 of the Registration Act. The said document was returned along with the refusal check slip on the ground that unapproved residential plots cannot be registered in the absence of approval from the planning authority. The learned Single Judge considered the claim of the writ petitioner and found that the subject residential plot was not approved by the planning authority and accordingly dismissed the Writ Petition.

3. Section 22A(2) of the Registration Act stipulates that the registering officer shall refuse to register an instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority



W.A.(MD).No.258 of 2020

concerned. Even a smaller extent of land, if found to be meant for construction of building, then approval from the planning authority is required. Town and Country Planning Scheme is imminent for the purpose of regulation of developments. An amendment was made by Tamil Nadu Act 28 of 2012 with effect from 20.10.2016 and therefore, now it became mandatory for the registering authority to verify the planning approval from the competent authority for the purpose of registering the document. Thus, we do not find any infirmity in respect of the order passed by the learned Single Judge. If at all any illegality has been committed in the matter of registering the unapproved plots by the Sub Registrars, the District Registrar or the Inspector General of Registration is bound to initiate appropriate action against the authorities, who had committed lapses, negligence or dereliction of duty.

4. In view of Section 22A(2) of the Registration Act, the appellant is at liberty to submit an application for securing approval from the planning authority and by obtaining such approval, present the sale deed for registration. In such an event, the registering authority shall consider for



W.A.(MD).No.258 of 2020

registering the document by following the procedures as contemplated under the Registration Act and Rules.

5. With the above observations, the Writ Appeal stands dismissed and the order dated 08.01.2020 passed in W.P.(MD).No.26571 of 2019 stands confirmed. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
11.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

The Sub-Registrar,
Office of the Sub-Registrar,
Vellipattinam,
Ramanathapuram District.



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W.A.(MD).No.258 of 2020

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W.A.(MD).No.258 of 2020

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