



W.P.(MD)No.17822 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17822 of 2021

Murugesan

... Petitioner

Vs.

The Sub Registrar,
Registration Department,
Manamadurai,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned proceedings of the respondent in RFL / Manamadurai / 5 / 2021 dated 21/09/2021 and quash the same and consequently direct the respondent to register the sale deed dated 20/09/2021 presented for registration before the respondent on 21/09/2021 within a time frame as fixed by this Court.

For Petitioner

: Mr.B.Prahalad Ravi

For Respondent

: Mr.K.S.Selvaganesan,
Additional Government Pleader



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ORDER

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This Writ Petition has been filed challenging the impugned proceedings of the respondent dated 21.09.2021 refusing to register the sale deed dated 20.09.2021 that was presented for registration on the ground that it was an un-approved plot which was not regularised.

2. Heard the learned counsel on either side.

3. The specific case of the petitioner is that the subject property in Survey No.249/9A1A measuring an extent of 0.72 cents belongs to the petitioner and the patta also stands in his name in Patta No.8510. This land was converted into house sites and twenty plots were developed. Out of the twenty plots, eleven plots were sold in the year 2012 and the remaining nine plots were retained by the petitioner. The petitioner wanted to deal with one of the plot and accordingly, he executed a sale deed dated 20.09.2021 to sell Plot No.7. This document was refused to be entertained and registered on the ground that it was an un-approved plot which was not regularised. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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4. A clarification that was given by the Inspector General of Registration through Circular dated 18.03.2020 shows that insofar as the un-approved plots that were dealt with prior to 21.10.2016 and the document has been registered, subsequent documents that are presented for dealing with those plots, cannot be a bar under Section 22A of the Registration Act, 1908. In this case, admittedly, only 11 plots were dealt with before the cut-off-date and therefore, if those 11 plots are once again dealt with, the document cannot be refused to be registered by relying upon Section 22A of the Registration Act, 1908.

5. In the instant case, this Court is concerned with the balance nine plots which were retained by the petitioner. Out of these plots, the petitioner wants to deal with Plot No.7. These nine plots remain to be un-approved and it was not dealt with earlier. Therefore, insofar as dealing with these nine plots, unless the same is regularised, the Registration Authority will not entertain the document in view of the bar under Section 22A of the Registration Act, 1908.



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6. It was brought to the notice of this Court that the Government has issued G.O.(Ms).No.118, HUDD, dated 04.09.2023 and has extended the time for regularization of the un-approved plots by paying necessary fees. This time has been extended up to 29.02.2024. The petitioner can very well utilize this opportunity to regularize the plots by paying necessary fees. Once the plots are approved / regularised, the petitioner can always deal with those plots without any problem. Except giving this liberty, no further orders can be passed in this Writ Petition.

7. This Writ Petition is disposed of in the above terms. No costs.

21.12.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

The Sub Registrar,
Registration Department,
Manamadurai,
Sivagangai District.



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N.ANAND VENKATESH, J.

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