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W.P.No.24744 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.24744 of 2023

P.X.Dinson

... Petitioner

Vs.

1.The District Registrar,
Coimbatore District,
Coimbatore.

2.The Sub -Registrar,
Singanallur Sub-Registrar,
Coimbatore District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records of the 2nd respondent herein pertaining to his proceeding in Na.Ka. No. 60/ 2023 dated 1.02.2023 and quash the same and further direct the 2nd respondent herein to register the sale deed dated 01.02.2023 and return the same to the petitioner.

For Petitioner : M/s.N.Nithianandam

For Respondents : M/s.B.Vijay, AGP,



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for R.1 & R2.

ORDER

The Writ Peition is filed for the following reliefs:-

"Calling for the records of the 2nd respondent herein pertaining to his proceeding in Na.Ka. No. 60/ 2023 dated 1.02.2023 and quash the same and further direct the 2nd respondent herein to register the sale deed dated 01.02.2023 and return the same to the petitioner."

2. The impugned order has been passed on the ground that the petitioner has not obtained planning approval under the G.O.Ms.No.79.

3. Heard the counsels on either side and perused the records.

4. The entire reasoning on which the Registration has been refused is on Section 22-A of the Registration Act. The Registering Authority had totally failed to appreciate that the documents which has been presented with reference to the layout would clearly show that though the layout was initially not approved it was later approved and thereafter the document was presented for registration. Therefore, Section 22-A of the Registration



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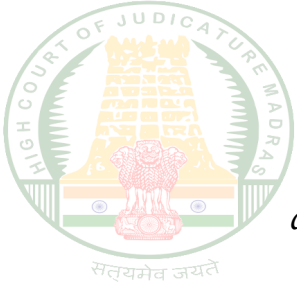
Act would not be applicable.

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5. GO(Ms.).No.79, Housing and Urban Development [UD4(3)]

Department dated 04.05.2017 is not applicable since it is not a case of unapproved change of land user. The petitioner's case will fall under GO.(Ms).No.78 Housing and Urban Development [UD4(3)] Department, dated 04.05.2017, where the regularisation of unapproved lay out was the subject matter. Rule (3) thereof is extracted below:-

"3. Cut-off date for considering regularisation of unapproved plots and layouts.- Only those unapproved layouts where a part or full number of plots have been sold through a registered sale deed as on 20th October, 2016 shall be considered for regularization under these rules. Similarly, all plots including unsold ones are eligible for regularization in layouts where at least a part of the total number of plots have been sold through a registered sale deed as on 20th October, 2016. Individual plot in a sub-division registered by a sale or title deed as on 20th October, 2016 shall also be eligible for regularization. As proof and evidence, the plot holder or the layout promoter is required to furnish copies of the sale deed or title deed for the plots sold. Agreement for sale or General Power of Attorney shall not be considered



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as evidence for proof of sale of plot."

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6. In view of the above discussions, the Writ Petition is allowed. The impugned order dated 01.02.2023 is set aside. The 2nd respondent is directed to register and return the sale deed dated 01.02.2023 within a period of 2 weeks from the date of its representation by the petitioner. No costs.

06.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Registrar,
Coimbatore District,
Coimbatore.

2.The Sub -Registrar,
Singanallur Sub-Registrar,
Coimbatore District.



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P.T. ASHA. J.,

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