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WP.No.37841 of 2024

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37841 of 2024

S.Ravi

Vs

...Petitioner

1.The District Registrar, Thiruvarur
District, Thiyagarajapura,
Agraharam, Vijayapuram,
Thiruvarur-1.

2.The Sub-Registrar, Ullikkottai
Sub-Registrar Office,
Mannargudi, Tiruvarur District.

3.The Block Development Officer,
Mannargudi, Tiruvarur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Order in RFL/ULLIKOTTAI/92/2024 dated 29.11.2024 of the 2nd respondent, quash the same and consequently direct the 2nd respondent to register the sale deed vide TP/202256782/2024.

For Petitioner	:	Mr.K.Jayaraman
For R1 & R2	:	Mr.Shahjahan, SGP
For R3	:	Ms.V.Yamuna Devi



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ORDER

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Challenging the check slip issued by the second respondent dated 29.11.2024 refusing to register the sale deed presented by the petitioner quoting Section 22-A of the Registration Act by stating that the property in S.No.370/3A1 measuring an extent of 2,880 sq.ft. vide patta No.870 situated at 35/2, Paravakkottai Village, Mannargudi Taluk, Thiruvarur District, which is sought to be sold, is an unapproved layout, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 and 2 and the learned counsel accepting notice for the third respondent.

3. The contention of the petitioner is that approval has already been granted by the third respondent and that therefore, it cannot be stated that the property in question is an unapproved layout.

4. On the contrary, the learned Special Government Pleader appearing for respondents 1 and 2 submits that the third respondent is not the Competent Authority and that he only forwards the recommendations.



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5. It is evident from the documents enclosed along with the affidavit filed in support of the writ petition that the petitioner obtained approval from the third respondent vide order dated 20.3.2019 in Na.Ka.No.2276/2018/A3 and the order dated 26.4.2024 in Oo.Mu.No. 716/2024/A4.

6. The issue that has to be considered is as to whether the approval granted by the third respondent would qualify to be a valid approval and as to whether he is a competent authority.

7. The Government formulated the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017, which were notified under G.O.Ms.No.78 Housing and Urban Development [UD4(3)] Department dated 04.5.2017. Rule 2 of the said Rules defines the term 'Competent Authority', which reads as follows :

"2. Definitions :

(1).....

(2) 'Competent Authority' means -

(i) for regularisation of unapproved individual plot in a sub-division or layout-

(a) in case of a City Municipal Corporation, the Commissioner;

(b) in case of a Municipality, the Commissioner;



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(c) in case of a Town Panchayat, the Executive Officer; and

(d) in case of a Village Panchayat, the Block Development Officer (Village Panchayats)."

8. Rule 14 of the said Rules deals with the processing of the application. Rule 14(12) of the said Rules talks about the Competent Authority forwarding the copy of the in-principle approved layout framework along with the gift deed for the roads and the open space reservation to the concerned Tahsildar for carrying out mutation in the revenue records. Once the in-principle approved layout framework is received and the charges are collected, the Competent Authority specified in Section 2(2)(i) of the said Rules shall confirm the ownership right of the plot owner.

9. A reading of the said Rules would clearly indicate that where a regularisation has been given by a Competent Authority, it is a valid approval. The subject property is situated in a village panchayat and therefore, the Competent Authority is the Block Development Officer as per the definition clause contained in the said Rules. Hence, the reason for rejecting the document presented by the petitioner is totally misconceived.



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10. Accordingly, the writ petition is allowed, the impugned refusal check slip is set aside and the second respondent is directed to register the document presented by the petitioner within two weeks from the date of its representation. No costs.

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To

- 1.The District Registrar, Thiruvarur
District, Thiyagarajapura,
Agraharam, Vijayapuram,
Thiruvarur-1.
- 2.The Sub-Registrar, Ullikkottai
Sub-Registrar Office,
Mannargudi, Tiruvarur District.
- 3.The Block Development Officer,
Mannargudi, Tiruvarur District.

RS



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RS

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