



W.P(MD)No.1369 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.1369 of 2022

V.S.T.Amanullah

... Petitioner

Vs.

- 1.The Inspector General of Registration,
100, Santhome High Road, Chennai.
- 2.The Deputy Inspector General of Registration,
Registration Department,
Palayamkottai, Tirunelveli District.
- 3.The District Registrar,
Registration Department,
Tenkasi District.
- 4.The Sub Registrar,
Alangulam Sub Registrar Office,
Alangulam, Tenkasi.

5.K.Sunitha
6.Gomathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 26.10.2021 with regard to the fraudulent registration of the document and causing revenue loss to the Government and take necessary disciplinary action against the respondents 5



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and 6 based on the circular dated 08.11.2017 and pass orders on merits and in accordance with law within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam
For R1 to R4 : Mr.P.Subbaraj,
Special Government Pleader
For R5 : No Appearance
For R6 : Mr.A.Srinivasan,
for Mr.R.Rameez Ajmal Khan

ORDER

This Writ Petition has been filed, seeking a direction to the 1st respondent to consider the petitioner's representation dated 26.10.2021 with regard to the fraudulent registration of the document and causing revenue loss to the Government and take necessary disciplinary action against the respondents 5 and 6 based on the circular dated 08.11.2017 and pass orders on merits and in accordance with law within the time fixed by this Court.

2.The main contention of the writ petitioner is that the document Nos. 2640/2019 and 2641/2019, dated 27.05.2019 have been registered contrary to the directions of the Division Bench of this Court in W.P.No.19566 of 2015, dated 09.09.2016, in which this Court prohibited the registration of the unauthorized plots. Despite such directions and issuance of guidelines, the



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documents have been registered by the respondents 5 and 6. Therefore, this Writ Petition is filed, seeking a direction to take action against them.

3.The learned counsel appearing for the 6th respondent filed a counter, stating that the document was originally kept pending and after obtaining details from the 6th respondent on 21.05.2019 and 10.01.2020, the registration was made. He has also produced a copy of the guideline value before this Court, where it is clearly indicated that even in the year 2017, the property was shown as house site.

4.The Division Bench of this Court in W.P.No.19566 of 2015, vide order dated 09.09.2016, held as follows:-

“6.We thus hereby direct that no Registering Authority shall register any sale deed in respect of any plots in unauthorized lay outs or any flats / building constructed on such plots. This order becomes necessary to prevent further development of unauthorized lay outs and conversion of agricultural areas for non-agriculture use in an unplanned manner, as also to save ecology and prevent flooding, while simultaneously giving time to the Government to come forth with the necessary policy documents and Legislative changes.”



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5.The Division Bench of this Court in further order dated 12.05.2017 has observed as follows:-

“20.However, registration of plots in unapproved layouts as house sites made after 9.9.2016 until 28.3.2017 and between 21.4.2017 and today (12.5.2017), if any, is in violation of an order of the Court and prima facie a nullity in the eye of law. Plots in unapproved layouts registered as house sites while the interim orders were in force shall not be registered until further orders.”

6.In view of the above directions, if any such document is registered, the law will take its own course and the validity will be tested only in the civil Court. Therefore, merely the document has been registered, ordering further enquiry would not serve any purpose in this regard.

7.This Writ Petition is closed accordingly. No costs.

02.09.2024

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J

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