



W.P.(MD)No.28644 of.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

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CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28644 of 2024

Hameesha Basheer

...Petitioner

-Vs-

1.The District Registrar,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Keelakarai Sub Registrar Office,
Keelakarai,
Ramanathapuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to Register the sale deed in favour of the petitioner which is pending before the 2nd respondent respondent on 02.09.2024 in P/Keelakkarai/41/2024, the property is situated in patta no. 3445, punja land in Survey no. 343/2A7 of an extent of 0.02.00 hectare vacant land is situated at Mayakulam Village, Mayakulam Group, Keelakarai, Ramanathapuram District and to release the document immediately.

For Petitioner : Mr.T.R.Subramanian

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



ORDER

This writ petition has been filed for a direction, directing the second respondent to register the sale deed in favour of the petitioner which is pending on the file of the second respondent as pending document No.41 of 2024 in respect of the subject property comprised in survey No.343/2A7 to an extent of 0.02.00 hectare vacant land situated at Mayakulam Village, Mayakulam Group, Keelakarai, Ramanthapuram District.

2.The subject property comprised in survey No.343/2A7 to an extent of 0.02.00 hectare vacant land is situated at Mayakulam Village, Mayakulam Group, Keelakarai, Ramanthapuram District originally belongs to one Seyed Ariff and subsequently, he executed the settlement deed by way of registered document No.1184 of 2023 in favour of his son Ahamed Hisam Al Hathim in patta No.3445 bearing S.No.343/2A7. In turn, his son Ahamed Hisam Al Hathim intended to appoint one Mohamed Ismail as his power agent. The petitioner has purchased the property from the power agent Mohamed Ismail in patta No.3445 in survey No.343/2A7 to an extent of 0.02.00 hectare vacant land is situated at Mayakulam Village, Mayakulam Group, Keelakarai, Ramanthapuram District and the same was presented for registration before the second respondent. It was kept pending as pending document No.41 of 2024. Subsequently, the second respondent has refused to register the same and

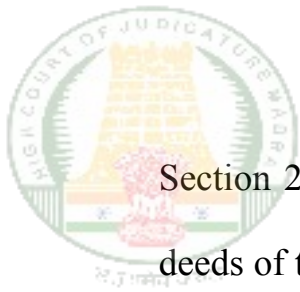


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returned the documents by his order dated 21.10.2024. However, the petitioner did not challenge the said order and sought for a direction, directing the second respondent to register the documents. Once it was refused to receive by issuance of refusal check slip, the petitioner ought to have challenged the refusal check slip in the manner known to law.

3.Further, on perusal of the revenue records also reveals that the property comprised in survey No.343/2A7 measuring at 0.02.00 hectares situated at Mayakulam Village, Keelakarai, Ramanathapuram District has been divided into several plots and sold out to a third party. Admittedly, it is the unapproved plots. Therefore, the second respondent has rightly refused to register the document which was presented for registration under Section 22(A) of the Registration Act. Therefore, the petitioner ought to have get approval from the authority concerned in respect of their subject plots.

4.Further, the entire property has been sub-divided into house plots in order to overcome the Government order passed in G.O.Ms.No.78, Housing and Urban Development Department, dated 04.05.2017 and also in order to overcome the provision under Section 22-A(2) of the Registration Act, 1908, the petitioner's vendor split the entire land into various plots and sold out to several persons. Unfortunately, the registering authority without even applying his mind and without adhering to the Government order and the provision under



Section 22-A(2) of the Act, 1908 has mechanically registered some of the sale deeds of the petitioner's vendor.

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5.In the Government order under Section 113 r/w 122 of the Tamil Nadu Town and Country Planning Act, 1971. Rule 2(8) of the Rules, 2017 defines “Layout” which read as follows:

“Layout” means -

“(I) division of land into plots exceeding 8(eight) in numbers in ChennaiMetropolitan Planning Area:

(ii) division of land into plots by introducing a new road or street in areas other than Chennai Metropolitan Planning Area.”

6.Therefore, the division of land into plots by introducing a new road or street requires regularization of such unauthorised layouts and plots. Rule 3 of the Rules, 2017, says about the cut off date for considering the regularization of unapproved plots and layouts.

7.Admittedly, the subject property is an unapproved one and so far it has not been subjected for regularization. That apart, in the subject land on its western side, they formed a new road. Therefore, it cannot be registered as per the provision under Section 22-A(2) of the Registration Act, 1908. Therefore,



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the petitioner ought to have subjected the subject property for regularisation under the Rules, 2017. Without regularizing the subject property, it cannot be registered and the second respondent has rightly refused to register the sale deed which was presented for registration by the petitioner by issuance of refusal check slip, dated 21.10.2024.

8.In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent and hence, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

02.12.2024

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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G.K.ILANTHIRAIYAN. J,

RJR

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