



W.P.(MD)No.29518 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.02.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.29518 of 2023

S.Devika

... Petitioner

VS.

The Sub Registrar,
Chinnadharapuram, Karur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records in Refusal Check Slip Number:RFL/Chinnadharapuram 50/2023, dated 03.10.2023 on the file of the Respondent and to quash the same and consequently, to direct the respondent to register the sale deed presented by S.Devika (petitioner), dated 14.07.2022.

For Petitioner :Mr.B.Pravinkumar
For Respondent :Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

This Writ Petition seeks for issuance of a Writ of Certiorari to call for the records on the file of the respondent herein in Refusal Check Slip Number:RFL/Chinnadharapuram/50/2023, dated 03.10.2023 and to quash the same and to further direct the respondent to register the sale deed presented by the petitioner on 14.07.2022.

2.The petitioner states that she has purchased a land measuring an extent of 312 sq.ft., in S.No.525/B1A of Thennilai Thenpagam Village, Pugalur Taluk, Karur District. Her vendor is one Vimala and her son P.Vinoth Kumar. When the sale deed was presented for registration, the respondent had refused to register the said document.

3.The reason for refusal was that the plot was unapproved. In order to get the plot approved, the petitioner had approached the Block Development Officer, K.Paramathi and obtained the approval. Prior to granting the approval, the Block Development Officer had directed the the petitioner to pay a sum of Rs.45/- per sq.meter and another sum of Rs.25/- towards development charges. He had issued a proceedings,



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dated 11.11.2022. The sale deed on being presented for registration was refused to be registered on the ground that the Director of Town and Country Planning (DTCP) approval has not been obtained. Hence, this Writ Petition.

4.I heard Mr.B.Pravinkumar, for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the respondent.

5.Mr.B.Pravin Kumar, invites my attention to the statutory rules, namely, the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017, issued under Section 113 of the Town and Country Planning Act, 1971 by the State of Tamil Nadu, vide G.O.(Ms).No.78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017. As per the said Rules, the competent authority for regularisation is the Block Development Officer and since the Writ Petitioner had obtained approval from the said authority, there is no necessity for approaching the Director of Town and Country Planning (DTCP) for approval.



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6.*Per contra*, Mr.R.Suresh Kumar, argues that it is the Director of Town and Country Planning (DTCP), who is the appropriate authority for the purpose of approval and if the petitioner obtains approval from the Director of Town and Country Planning (DTCP), the respondent is ready to register the document.

7.I have carefully considered the submissions of both sides and I have gone through the records.

8.There is a difference between an approval to be obtained for a layout and an approval to be obtained for an individual plot. The learned Additional Government Pleader is correct that for regularisation of a layout, approval has to be obtained from the Local Planning Authority or Regional Planning Authority or new Town Development Authority functioning under the Town and Country Planning Department. However, for an individual plot, I would agree with Mr.B.Pravinkumar, that in case of approval for a property situated in a Village Panchayat, it has to be granted by the Block Development Officer.



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9.The narration of the facts shows that the petitioner had obtained approval for the unapproved individual plot, which measures an extent of 28.98 sq.meters from the Block Development Officer, K.Paramathi. Since he has complied with the statutory rules, namely, the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017, the demand of the respondent that approval has to be obtained from the Director of Town and Country Planning (DTCP) authority is erroneous. Consequently, the impugned order, dated 03.10.2023 is quashed. The Writ Petition is allowed. There shall be a direction to the respondent to register the document and release the same after registration. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

06.02.2025

cmr

To

The Sub Registrar,
Chinnadharapuram, Karur District.



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V. LAKSHMINARAYANAN, J.

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