



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Twenty Eighth day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

AND

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

WP(MD)Nos.22104, 24395 of 2022 and 3065 of 2016

WP(MD)No.22104 of 2022

P.Saravanan

... Petitioner

Vs

- 1.The Inspector General of Registration,
Registration Department,
No.100, Santhome Road,
Chennai-28
- 2.The Deputy Inspector General of Registration,
Registration Department,
Combined Registration Department Complex,
Rajakambeeram, Y.Othakadai,
Madurai.
- 3.The District Registrar
Periyakulam Registration District,
Dindigul Road, Periyakulam, Theni.
- 4.The Sub Registrar,
Sub Registrar Office,
Vadaveeranaickenpatty, Theni.
- 5.The Director
Vigilance and Anti Corruption,
No.293, MKN Road, Alandur, Chennai-16.
- 6.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Karuvelanayakanpatti, Theni District.
- 7.The Executive Officer,
Veerapandi Town panchayat,
Thiruvalluvar, Theni District.



8.Usharani
Sub Registrar, Theni Sub Registrar Office,
Theni.

9.S.Andichamy

10.Prince

... Respondents

Prayer in WP(MD)No.22104 of 2022 :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents Nos.1 to 4 herein to take necessary action to stop the registration of unapproved lay outs and also action against the 8th respondent herein for registration of unapproved lay out in S.F.No.161/1B1, 2B1, 2A2 situated at Veerapandi Village, Theni, acting in favour of 9th and 10th respondents, even after objections given by the 7th respondent i.e Veerapandi Town Panchayat, illegally against rules, causing monetary loss to the above said Town Panchayat and public and also directing the 5th and 6th respondents herein to take necessary criminal action against the 8th Respondent herein for abusing her powers as public servant and acted for the profit of the 9th and 10th Respondent herein, from evading payment of taxes and presenting of OSR land to the Veerapandi Town Panchayat based on the Petitioner's representation dated 04.04.2022.

WP(MD)NO.24395 of 2022

V.N.Mohammed Ali Hussain

... Petitioner

Vs

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome Road,
Chennai-28.

2.The District Registrar,
No.57, Railway Feeder Road,
Near New Bus Stand,
RTO Complex, Tenkasi.

3.The Sub Registrar,
Alangulam,
NO.11/110-C, Tenkasi Road,
Alangulam, Tirunelveli District.

4.The Sub Registrar,
Melapalayam,
Tirunelveli District.

... Respondents



Prayer in WP(MD)No.24395 of 2022 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 initiate inquiry against respondents 3 and 4 with regard to the registration of unapproved and unregularized plots after the cut-off date i.e. 20.10.2016 particularly relating to the unapproved plots situated in S.No.72/1, 72/2A, and 72/2B which was developed as an unapproved layout namely Alangar Nagar at Melapalayam Village, Palayamkottai Taluk, Tirunelveli District and also registration of similar documents in other Sub-Registrar office at Tirunelveli, Tenkasi and Tuticorin District.

WP(MD)No.3065 of 2016

G.Vijayalakshmi Gopalasamy

... Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director,
Rural Development (Panchayat),
Virudhunagar District,
Virudhunagar.

3.Sithurajapuram First Grade Panchayat,
Rep. By its President,
Virudhunagar District.

4.R.Subburaj,
President,
Sithurajapuram First Grade Panchayat,
Virudhunagar District.

.... Respondents

(R3 & 4 are impleaded vide

Court order dt.24/02/16 in WMP(MD)No.2960/16)

Prayer in WP(MD)No.3065 of 2016 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the respondent to take action on the base of the report dated 26.05.2015 in Na.Ka.No.A5/306/2013 submitted by the 2nd respondent to 1st respondent.

ORDER:- These Writ Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.Mithun Chakravarthi, Advocate for the Petitioner in **WP(MD)No.22104 of 2022**, Mr.H.Arumugam, Advocate for the Petitioner in **WP(MD)No.24395 of 2022**, Mr.K.Gokul, Advocate for the Petitioner in **WP(MD)No.3065 of 2016** and of Mr.Veerakathiravan, Additional Advocate General Assisted



By Mr.S.R.A.Ramachandran, Additional Government Pleader on 1 of the RR1 to 4 in WP(MD)No.22104 & 24395 of 2022 and 1st & 2nd Respondent in WP(MD)No.3065 of 2016, Mr.T.Senthil Kumar, Additional Public Prosecutor on behalf of the RR5 & 6, Mr.V.Nirmal Kumar, Government Advocate on behalf of the R7, Mr.Vallinayagam, Senior Counsel for Mr.R.Ramakrishnan for R8 and Mr.S.Ramsundar Vijayraj for R9 in WP(MD)No.22104 of 2022, this Court made the following order:-

(Order of the Court was made by R.MAHADEVAN, J.)

The issue revolved around these writ petitions is qua registration of unapproved layouts and unregularized plots, contrary to the rules and guidelines framed by the authorities concerned.

2.On 26.09.2022, when the writ petition viz., W.P(MD)No.22104 of 2022 was taken up for consideration, this Court has passed the following order:

"Alleging that the 8th respondent has made registration of unapproved layout despite the objection by the 7th respondent, the petitioner has filed this Writ Petition as Public Interest Litigation, seeking to take action against the 8th respondent for such registration and also to take criminal action against her for abusing her powers.

2.Heard the learned counsel for the petitioner, the learned Additional Advocate General assisted by the learned Additional Government Pleader for the respondents 1 to 4, the learned Additional Public Prosecutor for the respondents 5 and 6, the learned Government Advocate for the 7th respondent and the learned Senior Counsel for the 8th respondent.

3.We make it clear that all the Sub-Registrars in the State of Tamil Nadu are not authorized to register unauthorized plots and layout. If there is violation, the same will be viewed seriously, by this Court.

4.The Inspector General of Registration, Chennai, the first respondent is hereby directed to file a district wise status report with regard to the registration of unauthorized plots which had taken place from the date of issuance of guidelines / circular of the Department namely, 21.06.2017 till date with statistical data. The said report shall be filed before this Court within a period of two weeks.

5.Post the matter after two weeks."

3.Pursuant to the aforesaid order, the Inspector General of Registration filed a status report dated 07.10.2022, wherein it is *inter alia* stated as follows:

"3(i) It is submitted that all the District Registrars (Audit) of this Department were entrusted to audit all the Sub-Registrar offices in their respective jurisdiction regarding violation in registration of unapproved plots /



submit their report to the respective Deputy Inspector General of Registration of nine zones of this Department.

(ii) It is submitted that the nine Deputy Inspector General of Registrations have in turn submitted their consolidated reports in respect of their zones to the Inspector General of Registration. Based on such reports, it is submitted that

- Totally 31625 registrations have taken place so far in contravention to Section 22A(2) in respect of unapproved plots/layouts throughout the State.
- In this regard, 123 registering officers have been framed with charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for registering unapproved layouts.
- In addition 7 officials who are in service have been placed under suspension and punishment has been awarded to another 6 officials.
- This department has suspended 20 Registering Officers and placed them under extension of service (EOS) on superannuation.

The reports received from the Deputy Inspector Generals of Registration are submitted herewith."

4. In order to safeguard the innocent buyers as well as the Government economy, Section 22A was inserted to the Registration Act, 1908, by the Tamil Nadu Act No.2 of 2009, according to which, the Registering officer shall refuse to register any document pertaining to unapproved plots / layouts, and the amendment came into operation with effect from 21.10.2016. Further, as per the order of this court in W.P.No.19566 of 2015, dated 12.05.2017, there is a ban imposed for further registration in respect of the unapproved plots / layout. That apart, various clarifications have been issued by the Inspector General of Registration not to register any unapproved plots / layouts after 21.10.2016.

5. Despite the aforesaid enactment, orders and guidelines issued, 31,625 registrations were taken place so far, throughout the state, in contravention to Section 22A(2); and 123 registering officers are only facing disciplinary proceedings, 7 officers were placed under suspension and 6 officers were already awarded punishment, according to the averments contained in the aforesaid status report filed by the Inspector General of Registration. However, the status report does not whisper about the action taken in respect of other registrations, stages of the disciplinary proceedings pending against the other officers, etc. Such being the present scenario, which is quite shocking, this court deems it appropriate to direct the Additional Inspector General of Registration, Chennai, to appear and report about the action taken in this regard.



6. Post these writ petitions on 30.11.2022, for appearance of the Additional Inspector General of Registration, Chennai.

Sd/-

Assistant Registrar (CS II)

WEB COPY

// True Copy //

29/11/2022

Sub Assistant Registrar (CS)

TO

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome Road, Chennai-28
2. The Deputy Inspector General of Registration
Registration Department
Combined Registration Department Complex
Rajakambeeram, Y.Othakadai, Madurai.
3. The District Registrar
Periyakulam Registration District,
Dindigul Road, Periyakulam, Theni.
4. The Sub Registrar,
Sub Registrar Office,
Vadaveeranaickenpatty, Theni.
5. The Director
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No.293 MKN Road, Alandur, Chennai-16
6. The Deputy Superintendent Of Police,
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Near New Bus Stand,
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9. The Sub Registrar,
Alangulam,
NO.11/110-C, Tenkasi Road,
Alangulam, Tirunelveli District.



10.The Sub Registrar,
Melapalayam,
Tirunelveli District.

11.The District Collector,
Virudhunagar District,
Virudhunagar.

12.The Assistant Director,
Rural Development (Panchayat),
Virudhunagar District,
Virudhunagar.

Copy to:

1.The Additional Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATE : 28/11/2022

HEARING DATE : 30/11/2022

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ORDERS

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WP(MD)Nos.22104, 24395 of 2022
and 3065 of 2016

Giving direction and etc.
as stated within.

MGJ(29.11.2022) 7P 15C