



writ petition are follows:

The petitioner states that he purchased a property namely a house site measuring an extent of 1800 sq. feet in Plot No.55 in an unapproved lay out in S.Nos.388 and 489, Karur West Sub Registrar, Karur Taluk and District. The sale deed was registered vide document No.1615/1989. The petitioner was one among the purchasers of plots in the unapproved lay out which was formed in an extent of 11.92 acres.

3.The Government of Tamilnadu in order to protect the interest of innocent purchasers in unapproved lay out issued G.O.Ms.No.123, Commercial Taxes and Registration Department, dated 20.10.2016 and introduced an amendment by way of Tamilnadu Act 2 of 2009 by inserting Section 22A of the Registration Act, 1908. Section 22A reads as follows:

"22A.Refusal to register certain documents.-

Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:-

(1)instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease, -

(i)belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under Section 9 - A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(ii)belonging to, or given or endowed for the purpose of any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;

(iii)donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under Section 3 of the Tamil Nadu Boodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958); or of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995 (Central Act 43 of 1995),

unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

(2)instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned;

Provided that the house sites without such permission may be registered if it is shown that the site has been previously registered as house



site,

(3) instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed."

4. Section 22A of the Registration Act, enable the Registering Officer to refuse to register the documents / instruments relating to transfer of immovable properties by way of sale, gift or mortgage or exchange or release in respect of lands converted as house sites without the permission for development of such land from Planning Authority. The proviso to Sub Section 2 of Section 22 A saves such alienation and registration if the house sites has been previously registered as a house site.

5. The petitioner has purchased the property as house site in the year 1989. The plot No.55 has been dealt with long prior to the introduction of Section 22A. It is admitted that the petitioner has executed a settlement deed, dated 23.02.2017. Based on the registered settlement deed, the petitioner's son has entered into a sale agreement. By the impugned order, the third respondent has refused to register the sale agreement on the ground that the lay out, in which the house site is allocated is not approved and that as per the circular issued by the first respondent, dated 21.06.2017, a restrain order has been passed by the Court not to register any document from 09.09.2016 to 28.03.2017. This Court, in a batch of writ petitions in W.P.No.19566 of 2015, passed an interim order to the effect that registration of plots in unapproved lay outs as house sites made after 09.09.2016 until 28.03.2017 and between 21.04.2017 and today is in violation of order of the Court and prima facie a nullity in the eye of law. It was further observed by the Honourable Division Bench that plots in unapproved lay outs registered as house site, while the interim were in force shall not be registered until further orders.

6. Relying upon the interim order passed by this Court, the third respondent seems to think that the document of settlement deed executed by the petitioner in favour of his son cannot be registered and it should be treated as void.

7. The circular, dated 21.06.2017 is only based on Section 22A of Registration Act vide Tamilnadu Amendment Act, 2008. Section 22A itself saves all transactions in respect of property which had already been registered by a previous document. In the said circumstances, by applying the circular the third respondent has wrongly issued the impugned order as if the settlement deed executed by the petitioner cannot be acted upon so as to enable the petitioner's son to deal with the property further. The Honourable Division Bench has upheld Section 22A particularly the proviso to Section 22A of Registration Act. Hence, the first sale in 1989 and the subsequent settlement cannot be invalidated as the prohibition



is only by virtue of Section 22A and the interim order was modified later. It is stated that the impugned order issued by the third respondent was issued to the petitioner and hence, the petitioner challenged the same.

8.As pointed out earlier, having regard to the sequence of events and provision of Section 22A as amended in 2008, the sale deed under which the petitioner purchased the property on 14.06.1989 and the subsequent alienation namely the settlement deed are valid and therefore the impugned order treating the settlement deed as invalid cannot be accepted.

9.As a result, the impugned order dated 02.05.2018 passed by the third respondent is set aside. The writ petition is allowed. The third respondent is directed to register the document namely sale agreement dated 22.03.2018 following the usual procedure after collecting required fees. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Inspector General of Registration,
O/o. The Inspector General,
Santhome, Chennai.

2.The District Registrar (Administration),
Karur District, Karur.

3.The Sub Registrar,
Karur West, Karur District.

+1 CC to M/s.SPL GP (SR-104198[F] dated 10/12/2019)

+1 CC to M/s.M/S.V.ANGUSAMY, Advocate (SR-104232[F] dated 10/12/2019)

W.P. (MD) .No.13925 of 2018

09.12.2019

NA (CO)

TR(02.01.2020) 4P 6C

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