

W.P.No.7723 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7723 of 2025

V.Thirupathy

.. Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Tirupattur,
Tirupattur District.

3.The Sub-Registrar,
Vaniyambadi,
Tirupattur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Refusal Check Slip No.RFL/Vaniyambadi/2/2025, dated 28.01.2025 issued by the 3rd respondent and to quash the same as illegal, incompetent and further direction to the 3rd respondent to register the sale deed, dated 27.01.2025 executed in favour of the petitioner on its representation.



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For Petitioner : Mr.P.A.Sudesh Kumar
For RR 1 to 3 : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 28.01.2025 issued by the 3rd respondent and for a consequently direction to the 3rd respondent to register the sale deed dated 27.01.2025 that was executed in favour of the petitioner.

2.When the matter came up for haring on 07.03.2025, this Court passed the following order:

“Mr.B.Vijay takes notice on behalf of the respondents.

2. The refusal check slip issued by the third respondent dated 28.01.2025 has been put to question, since the third respondent has come to a conclusion it is an unapproved plot and no regularization has been granted as per the Rules.

3. Learned counsel for the petitioner submitted that a sale deed has already been registered for the very same plot on 05.12.2020 and hence the present case will squarely fall within the scope of the proviso to sub-section (2) to Section 22A of the



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Registration Act, 1908.

4. The First Division Bench of this Court, in the order dated 15.06.2017 made in W.M.P.No.15656 of 2017 in W.P.No.19566 of 2015 gave the following directions.

2. Mr.V.Ayyadurai, learned Additional Advocate General appearing on behalf of the State Government submits that a confusion has arisen by reason of paragraph 19 of the interim order dated 12.05.2017, which reads as follows:-

"19. Considering that there is a statutory provision which has not come into force and rules have also been framed by the Government of Tamil Nadu, we deem it appropriate to direct that plots may be registered strictly in accordance with Section 22-A of the Registration Act, 1908, incorporated by Tamil Nadu Act 2 of 2009, read with the Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017 and the Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas) Rules, 2017."

3. Rule 15(b) of Tamil Nadu



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Regularization of Unapproved Layouts and Plots Rules, 2017 provides that where no regularization is ordered under the said Rules for an unapproved plot or layout, then such unapproved plot or layout shall not be registered under the Registration Act, 1908 (Central Act 9 of 1908) by the Registration Department.

4. Rule 15(b) of Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017 is to be read in harmony with Section 22-A of the Registration Act, 1908 and the proviso thereto and would apply to those plots which had not been registered as house sites prior to 21.10.2016.

5. It is, thus, clarified that transfer of plots, which had been registered as house sites before 21 st October 2016, except those which have been registered in violation of interim orders passed by this Court may be registered. Rule 15(b) is to be construed to apply to those plots which had not been registered as house sites prior to 21.10.2016.

6. The common order dated 12.05.2017 made in 3 W.P.No.19566 of 2015 and other similar writ petitions is clarified to the extent stated above and the application is disposed of accordingly. Needless to mention that Rules shall apply for all other purposes.”

5. It is clear from the above that Rule 15(b) of the Tamil Nadu Regularization of Approved Layouts and Plots Rules 2017 must be read in harmony with Section 22A of the Registration Act and the proviso thereto will apply to those plots which have been



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registered as house sites prior to 21.10.2016. Therefore, the cut-off date is 21.10.2016 and no unapproved plots or layouts can be dealt with and registered thereafter. However, in the case on hand, the sale deed has been registered on 05.12.2020. On the face of it, the said registration violates the order passed by the Division Bench.

*6. Hence, the learned Additional Government Pleader shall take instructions and there shall be a direction to the third respondent to be present before this Court during the next date of hearing. Post this writ petition on **24.03.2025 at 2.15 p.m.**”*

3.Pursuant to the above order, Mr.P.Arunkumar, Assistant – (Sub-Registrar In-Charge), Vaniyambadi, Tirupattur District, was present before this Court today.

4.The learned Additional Government Pleader appearing on behalf of the respondents submitted that the present incumbent had nothing to do with the earlier sale deed that was registered in the year 2020. The learned Additional Government Pleader further relied upon the counter affidavit filed by the 3rd respondent today and the relevant portions are extracted hereunder:



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“3.The Respondent submits that the writ petitioner has contended that the Jurisdictional Sub-Registrar had previously registered the sale deed on 05.12.2020 in respect of part of the land of comprised in S.No.80/2A5. This Hon'ble Court directed the Registering Authority to be present before this court and file an affidavit explaining the reasons for registration of previous Sale Deed in Unapproved Layout in violation of Section 22A of Registration Act.

4. The respondent submit that the sale deed dated 05.12.2020 executed by K.Venkatesan in favour of M.Jayakumar and M.Karthi in respect of S.No.80/2A5 measuring to an extent of 3 cents was registered as Doc.No.7814 of 2020 on the file of SRO Vaniyambadi. Similarly, the SRO Vaniyambadi has registered another sale deed dated 05.12.2020 executed by K.Venkatesan in favour of one Mr.B.Palanivel in respect of lands comprised in unapproved layout in S.No.80/2A5 and same was registered as Doc No.7815 of 2020 on the file of SRO vaniyambadai. The abovementioned two sale deeds had been registered by then Sub Registrar Mr.B.Umapathi while serving as SRO Vaniyambadi.

5. The Respondent submits that the abovementioned Sale Deeds bearing Doc No.7815 of 2020 and 7814 of 2020 had been scrutinised by the Jurisdictional District Registrar during Audit Enquiry. The District Registrar, Vellore has made a remark dated 12.2.2021, that the sale deed dated 5.12.2020 bearing Doc No.7814 of 2020 and Doc No.7815 of 2020 had been registered by the Sub Registrar Vaniyambadi,grossly in violation of Section 22A of the Registration Act. In other words, the District. Registrar had made a remark that the Sub Registrar has registered unapproved layout plots in violation of Section 22A of the Registration Act.



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6. The respondent submits that the remarks made by the District Registrar Vellore has been forwarded to Disciplinary Authority along with other connected material documents. The Disciplinary Authority/Deputy Inspector general of registration has issued a charge memo on 28.10.2022 under Rule 17b of Tamil Nadu Civil Servants (Discipline and Appeal) Rules against Mr.B.Umapathi (then Sub-Registrar of Vaniyambadi). The Disciplinary Authority has taken note of illegal registration of Sale Deed in respect of unapproved layouts in violation of Section 22A (ii) of the Registration Act.”

5.The learned Additional Government Pleader appearing on behalf of the respondents submitted that the vendor of the writ petitioner has attempted to sell small portions of the land which are unapproved plots by declaring them as agricultural lands and thereby is trying to get over the mandate under the Tamil Nadu Regularization of Approved Layout and Plot Rules, 2017. The learned Additional Government Pleader submitted that if the present sale deed is entertained, it will be in direct violation of Section 22A of the Registration Act read with Rule 15b of the 2017 rules.

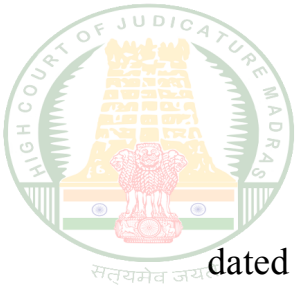


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6.The learned counsel for the petitioner submitted that the petitioner purchased the subject property only as an agricultural land and not as a housing plot. The learned counsel further submitted that the subsequent clarification has been issued by the Inspector General of Registration dated 18.03.2020. In so far as the clarification that has been relied upon by the learned counsel for the petitioner, it was dealt with by this Court in ***D.Rajamanickam Vs. Sub Registrar***, reported in ***2024 SCC Online Mad 2781***. The Single Judge of this Court took note of the clarification issued and directed the registration of the document on the ground that the same will not be in violation of Section 22A of the Registration Act. This order passed by the learned Single Judge was taken on appeal before the Division Bench of this Court in W.A.No.3912 of 2024 and the Division Bench has entertained the writ appeal and stayed the order of the learned Single Judge by order dated 13.11.2024. In view of the same, the circular relied upon by the learned counsel for the petitioner does not in any way help the petitioner in the present case.

7.The issue that is involved in the present writ petition was considered by me when I passed an earlier order in W.P.No.3733 of 2025



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dated 03.03.2025. This Court took into consideration a case where similar attempt was made for registering unapproved plots and it was held that it will be opposed to Section 22A of the Registration Act.

8.In the considered view of this Court, where an agricultural land is involved and an attempt is made to convert the same into house sites / plots, it can be done only after getting the necessary approval under the 2017 Rules. If such agricultural lands are permitted to be sold in small lots of 2 or 3 or 4 cents, the intention behind is not to use it as an agricultural land and the intention is to convert it as house sites / plots at a future point of time. The same will result in over reaching the order passed by the Division Bench in W.M.P.No.15656 of 2017 in W.P.No.19566 of 2015 dated 15.06.2017 and also the provisions of the 2017 Rules.

9.This Court must also take into consideration the fact that the earlier registration of the sale deed by the vendor has never been put to question and the concerned Sub Registrar who registered this document is facing disciplinary proceedings under Rule 17(b) of the Tamil Nadu



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Civil Servants (Discipline and Appeal) Rules. Under such circumstances, if this Court directs the present sale deed to be registered, it will completely water down the disciplinary proceedings that has already been initiated and it will sanctify the earlier sale deed that was registered in the year 2020. This is yet another reason as to why this Court is not inclined to interfere with the refusal check slip.

10.In the light of the above discussion, it is always left open to the petitioner to purchase the property after getting proper approval under the 2017 Rules. In the absence of the same, the impugned refusal check slip issued by the 3rd respondent dated 28.01.2025 cannot be interfered by this Court, since this Court does not find any illegality.

11.In the result, this Writ Petition is disposed of in the above terms. No costs.

24.03.2025

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Index : Yes
Internet : Yes

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Neutral Citation : Yes

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To

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No.100, Santhome High Road,
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N.ANAND VENKATESH, J.

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