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W.A.No.1540 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN**

**Writ Appeal No.1540 of 2025
and
C.M.P.No.11793 of 2025**

1. The District Registrar
O/o. the District Registrar
Thiruvarur District.

2. The Sub-Registrar
Mannargudi
Thiruvarur District.

... Appellants

Vs.

1. A.Vijayarajavarman

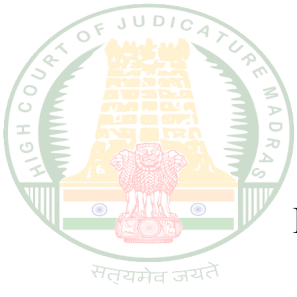
2. A.Siddhardh

... Respondents

Prayer :

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 30.07.2024 made in W.P.No.21480 of 2024.

For Appellants : Mr.U.Baranidharan
Special Government Pleader



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For Respondents : Mr.Asokan
party-in-person

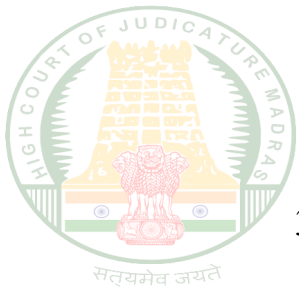
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J U D G M E N T

(Judgment of the Court delivered by S.M.SUBRAMANIAM)

Under assail is writ order dated 30.07.2024 passed in W.P.No.21480 of 2024.

2. The respondents preferred writ proceedings challenging the refusal check slip dated 28.08.2023 issued by the second appellant - Sub Registrar, Mannargudi. The respondents presented the settlement dated 23.08.2023 for registration. On scrutiny, the Sub-Registrar found that the said property has been divided as house sites even as per document. Therefore, approval from the competent authority is required as contemplated under Section 22-A of "the Registration Act, 1908" ["Act"] read with Government Order issued in G.O.(Ms.)No.78 Housing and Urban Development [UD4(3)] Department dated 04.05.2017 wherein the Government framed the Rules namely, "The Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017" ["Rules"]. Secondly, the objection raised by the Registering Authority is there was insertion of lay out copy which is found to be not genuine.



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3. Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of appellants would mainly contend that initially a settlement deed was executed on 27.08.2015 by the grandfather in favour of the respondents / writ petitioners.

4. A perusal of the schedule to the said settlement deed of the year 2015 would show that the entire extent of 5.01 acres has been settled in favour of the respondents / writ petitioners. The entire extent was registered in two parts, the first part is 170476 sq.ft and the second part is 47960 sq.ft. Pertinently, no layout was enclosed in the said document. Subsequently, the subject document dated 23.08.2023 has been presented for registration by inserting a layout, which according to the Sub-Registrar is not genuine.

5. The learned Special Government Pleader would submit that approval of layout is mandatory in view of Section 22-A of the Act read with provisions of Rules issued in G.O.No.78. In the absence of any such approval from the competent authority, housing plots cannot be registered and as per the schedule in the document presented, layout has been formed. Therefore, the writ Court has committed an error in relying on the judgment in the case of ***D.Rajamanickam Vs. The Sub Registrar, Salem (West) in***



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W.P.No.426 of 2022 while allowing the writ proceedings.

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6. Mr.Asokan, party-in-person, father of the respondents represented the case. He would oppose the contention of learned Special Government Pleader by stating that even in the year 2015, the property remained as house sites. Therefore, it is unnecessary for them to obtain layout approval in compliance with Section 22-A of the Act. That apart, there is no provision or Government Order in force, which would mandate them to secure the house site approval. Thus, the writ order is in conformity with the provisions of the Act and the present writ appeal is to be rejected. That apart, the application of principle laid down in the case of **D.Rajamanickam** cited supra has been rightly followed by the writ court.

7. Heard the parties to the *lis* on hand.

8. Section 22-A(2) of the Act reads as under:

*"22-A. 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)

(ii)



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(iii)

(iv)

(v)

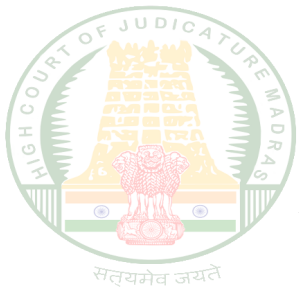
(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned.

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

9. The writ Court considered the case of the respondents relying on the above proviso clause, which would indicate that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as housing site.

10. In the context of the above observation, it is relevant to look into the settlement deed executed in favour of the respondents by their grandfather on 27.08.2015. The settlement deed in unambiguous term indicates that no layout formed, but the entire extent of land was registered into two parts. The first part is to an extent of 170476 s.ft and second part is to an extent of 47960 sq.ft. Therefore, neither layout was formed nor any house sites was registered as contemplated under the proviso to clause (2) of Section 22-A of the Act.

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11. The layout plan enclosed along with the document produced by the respondents at the time of presenting the document on 23.08.2023, the Sub-Registrar found that the said document is bogus and no such approval has been granted by the competent authority since there is no seal and signature of the authority concerned.

12. Pertinently, the layout copy produced along with the document presented on 23.08.2023 was not found along with the settlement deed originally registered on 27.08.2015. The layout was subsequently, inserted at the time of presenting the document on 05.10.2021, which is evident from the reading of the refusal check slip issued by the Sub-Registrar / second appellant. That apart, the said layout enclosed would show that there is no seal of approval from the competent authority and for all these reasons, the learned Special Government Pleader would insist that the said layout copy is suspicious. There is no seal, date and signature of the authority in the said layout copy except the seal which would show "Sub-Registrar Office, Mannargudi". A perusal of the said layout *prima facie* would show that there is some tampering of the document, warranting an enquiry under the provisions of Act and Rules. That apart, the settlement deed dated 27.08.2015 indicate that 8 pages had been registered and the last / eighth

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page is copy of Family Ration Card for the year 2005-2009 issued in favour of Kaliyamurthy. However, the layout copy, which has neither been sealed nor been signed by the Sub-Registrar, does not form part of the said document dated 27.08.2015. That being so, there is every reason to consider the arguments advanced by the learned Special Government Pleader. It is for the authorities to conduct an enquiry and initiate an appropriate action in this regard.

13. As far as the claim of the respondents for registration of the document presented on 23.08.2023 is concerned, the said document shows that they are intending to register the properties as house sites by forming layout. It is an unapproved layout for all purposes. Such unapproved layout cannot be registered in view of Section 22-A(2) of the Act read with Rules.

14. Rule 2(8)(ii) defines "Layout" which reads as under:

2. Definitions - In these rules, unless the context otherwise requires-

(8) "Layout" means -

(i) division of land into plots exceeding 8 (eight) in numbers in Chennai Metropolitan Planning Area;

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



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15. Rule 2(16) defines "Sub-division" which reads as under:

(16) "Sub-division" means

(i) division of land into plots not exceeding eight in numbers in the Chennai Metropolitan Planning Area;

(ii) division of land abutting an existing road or street into plots without introducing any new road or street in an area other than Chennai Metropolitan Planning Area;

16. Rule 2(17) reads as follows:

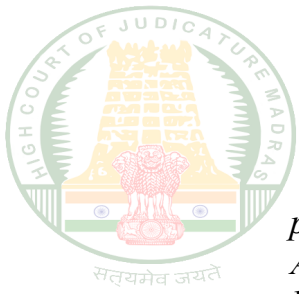
(17) "Unapproved layout or sub-division" means a layout or sub-division of land made without the prior approval or concurrence of the Director of Town and Country Planning or the Chennai Metropolitan Development Authority, as the case may be;

17. Rule 5 speaks about "Compulsory application for regularization"

and it reads as under:

"5. Compulsory application for regularization.– (1) *It shall be compulsory for all the individual plot owners and layout promoters eligible under rule 3 to file an application on-line in Form-I for regularisation to the Competent Authority concerned within six months from the date of commencement of these rules along with the fees and charges as per the self assessment made and annexed with the application. The Competent Authority shall process the application and pass orders of regularization on-line.*

Provided that the application for individual plot regularization in a layout shall be considered for regularization only after in



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principle approval of the layout framework is issued by the Competent Authority. Accordingly, all the individual plot owners in an unapproved layout shall apply for regularization of their plots along with a sketch of the layout.

(2) Application for regularization of unapproved layout can also be made by the Layout Promoter / Registered Co-operative society / Association of the plot holders in an unapproved layout where more than two-thirds of the total number of plots in the layout have been sold before the cut-off date.

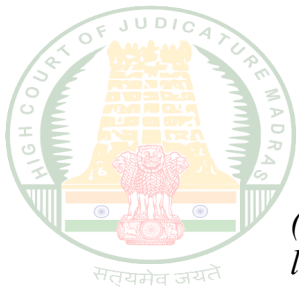
(3) Within 15 days from the date of notification of these rules the Competent Authority specified in rule 2(2)(ii) shall call upon the Competent Authority specified in rule 2(2)(i) to furnish a certified list of unapproved layouts formed within its jurisdiction along with the details of name of the revenue village, survey numbers or ward numbers, town survey numbers, name of the local body, as the case may be covered by the layout and its extent.

(4) Upon receipt of the list of unapproved layouts, the Competent Authority specified in rule 2(2)(ii) shall suo-motu prepare and approve and give in-principle approval for the layout framework as existing on ground by employing the services of licensed surveyors for those layouts which are covered in the list furnished by the Competent Authority specified in rule 2(2)(i) but not applied for regularization by any of the layout Promoter/Registered Co-operative Society/Association of plot owners.

(5) The Layout Promoter / Registered Co-operative society / Association applying for regularization of the layout shall be jointly and severally responsible for undertaking the rectification of deficiencies in such unapproved layout and to comply with the conditions as directed by the Competent Authority concerned, and pay the required fees and charges as prescribed in these rules by the Competent Authority.

(6) Application for regularisation of unapproved individual plot in a layout or sub-division shall be made to the Competent Authority concerned as specified in rule 2(2)(i).

(7) Application for regularisation of unapproved layout shall be made to the Competent Authority concerned as specified in rule 2(2)(ii).



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(8) An application made by any person for regularisation of plot or layout who does not have any right over the land shall be summarily rejected.

(9) The application shall be accompanied by the following documents, namely:-

(a) For regularisation of unapproved individual plot in a sub division or layout:

(i) Three copies of plan showing the site plan with dimensions of the plot or sub division as per the patta or Field Measurement Book (FMB) sketch, and the width of the access road duly signed by both the applicant who has the right over the land and the Licensed Surveyor or other professionals prescribed in the relevant Act or Building Rules;

(ii) A copy of layout plan showing the plot proposed for regularization, dimensions of the plots, road network, width of the roads, dimensions of public open spaces and public purpose plots along with survey field numbers of the village covered by the layout;

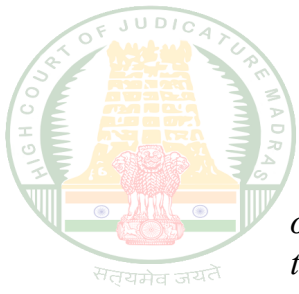
(iii) A copy of topo sketch showing the location of layout and connectivity of the layout to the public road and physical features surrounding the layout;

(iv) A self attested copy of sale deed or title deed for the plot.

(v) A copy of patta, Permanent Land Record (PLR) or Town Survey Land Record (TSLR) extract in favour of the applicant shall be furnished. If the patta, Permanent Land Record (PLR) or Town Survey Land Record (TSLR) in favour of the applicant has not been obtained, then, the same in favour of the previous owner of the land shall be furnished;

(vi) Encumbrance certificate issued by the Registration Department covering the plot transaction issued not more than a week before the date of application;

(vii) In case of plot falling in agriculture land, a certificate or status report from the Tahsildar of the concerned Taluk that the layout is not



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obstructing the waterways on the common field irrigation channels on the ground and flood level or inundation status.

(b) For regularisation of unapproved layout:

(i) Five copies of layout plan showing the dimensions of the plots, road network, width of the roads, dimensions of public open spaces, public purpose plots and the survey field numbers of the village covered by the layout and marking the plots sold in the layout before the commencement of these rules;

(ii) A copy of the topo sketch plan showing the public access to the layout, width of the access road and the surrounding physical features within a radius of 500 metres from the layout;

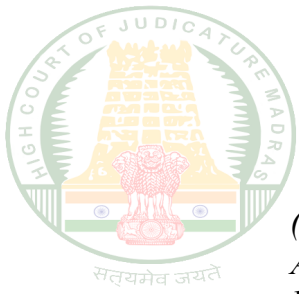
(iii) Encumbrance Certificate (EC) issued by the Registration Department covering all the survey field numbers of the layout for the period from the date of commencement of sale of plot to the date not more than a week before the date of application;

(iv) A self attested tabular statement showing the details of the plots sold including plot number, dimensions and its extent, date of sale, document number, name of the purchaser tallying with the encumbrance certificate and the details of unsold plots in case where the application is made by the layout promoter;

(v) Self attested copy of ownership document in favour of the owner of the land in which the layout has been formed in case where the application is made by the layout promoter;

(vi) Latest Patta, Permanent Land Records (PLR) or Town Survey Land Records (TSLR) and Field Measurement Book (FMB) sketches for the survey fields covered in the entire layout;

(c) A self declaration in Form-II to the effect that the layout is not attracted under the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Tamil Nadu Act 24 of 1978) and the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961);



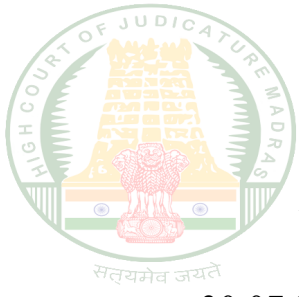
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(d) In case of applications submitted by layout Promoter / Society / Association, an undertaking in a non-judicial stamp paper of value not less than twenty rupees in Form-III agreeing to undertake the rectification works as directed by the Competent Authority and remit the development charges, regularisation charges and Open space reservation charges as applicable as assessed by the Competent Authority; In suo-motu cases specified in rule 5(4), the plots falling in spaces specified for rectification in the layout by the competent authority will not be regularized to the extent of required rectification.
(e) Any other document as may be required by the Competent Authority;"

18. In view of Section 22-A(2) of the Act along with Rules as stated above, layout approval becomes mandatory for registering house sites. Therefore, this Court do not find any infirmity in respect of the refusal check slip issued by the Sub-Registrar. The writ Court has not considered the scope of Section 22-A(2) of the Act but considered only the proviso clause which could not have any direct application in the context of facts presented by the respondents in the writ petition. That apart, 2015 settlement deed would indicate that there is no approved layout produced and subsequent layout is found to be inserted. That being so, the writ order deserves to be interfered with.



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19. Accordingly, the Writ Appeal stands allowed and the order dated 30.07.2024 passed in W.P.No.21480 of 2024 is set aside. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S.J.,] [C.S.N.J.,]
15.09.2025

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes/No

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S.M.SUBRAMANIAM, J.
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