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W.P.No.9416 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.9416 of 2025

S.Santhanalakshmi

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.

2.The District Registrar,
Registration Department,
NH-45A, Villupuram Puducherry Road,
Villupuram District – 605 602.

3.The Sub Registrar,
Thirukoilur,
Hospital Road, Thirukoilur,
Kallakurichi District – 605 757.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order issued by the second respondent in



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Na.Ka.No.4103/E/2024 dated 27.09.2024 and quash the same as illegal and consequently direct the third respondent to receive and register the sale deeds if any presented in respect of the properties in survey numbers 614/2, 614/6, 620/1B3, 620/1B4, 621/1A, 1B, 3,9A to an extent of 7.49 acre situated at Keezhayur, Thirukoilur town, Kallakurichi District.

For Petitioner : Mr.R.Suresh Kumar
for Mr.K.M.Vijayan Associates

For Respondents : Mr.Abishek Murthy,
Government Advocate

ORDER

The relief sought for in this writ petition is to call for the records of the impugned order issued by the second respondent in Na.Ka.No.4103/E/2024 dated 27.09.2024 and quash the same as illegal and consequently direct the third respondent to receive and register the sale deeds if any presented in respect of the properties in survey numbers 614/2, 614/6, 620/1B3, 620/1B4, 621/1A, 1B, 3,9A to an extent of 7.49 acre situated at Keezhayur, Thirukoilur town, Kallakurichi District.

2. Mr.Abishek Murthy, learned Government Advocate takes notice on behalf of the respondents. By consent of both the parties, this



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writ petition has been taken up for final disposal at the stage of admission itself.

3. Learned counsel for the petitioner would submit that the petitioner is a promoter and developed plots at Keezhayur, Thirukoilur Town, Kallakurichi by obtaining the Panchayat approval in the year 2001. There were about 159 plots and out of which, 95 plots were sold and 64 plots remains unsold. When, the petitioner is intend to sell the remaining unsold plots, the third respondent refused to register the documents and orally rejected the same on the ground of non-approval from the Directorate of Town and Country Planning Authority (DTCP). Therefore, the petitioner made a representation dated 03.10.2024 before the first respondent, requesting to consider the documents submitted by the petitioner for the purpose of registration. Under these circumstances, the second respondent passed the impugned order dated 27.09.2024 stating that the said plots cannot be registered in terms of Section 22-A(2) of the Registration Act, 1908 and there is a specific bar to register the unapproved house sites, since the Panchayat approval was



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considered as unapproved by virtue of the law laid down by this Court in W.P.No.19566 of 2015. Challenging the said impugned order dated 27.09.2024, the petitioner has come forward with the present writ petition.

4. Learned counsel for the petitioner would further submit that out of larger extent of land, which was developed and plotted out as house sites, several plots were sold and for the remaining unsold plots, the petitioner cannot approach the Planning Authority for approval and it will create further issues in granting approval and also affects the plots, which were sold earlier.

5. To substantiate the aforesaid claim, learned counsel for the petitioner cited the order of this Court in the case of ***K.Madhaiyan Vs. Sub Registrar, reported in 2024 SCC Online Mad 2779*** wherein, this Court held that the lands converted as house sites without the permission for development of such land from planning authority and substantial number of plots have already been registered, then there is no bar for



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subsequent registration and the same can be sold without attracting the proviso of Section 22-A(2) of the Registration Act, 190 and in regard to the regularization/approval, it is the duty of the purchasers in the event if they construct the houses. Since the petitioner's case is also similar to the same facts of the case, stated supra, he prayed for allowing this writ petition.

6. Learned Government Advocate appearing for the respondents would submit that there is a specific bar under the proviso of Section 22-A(2) of the Registration Act, 1908 and it only permits to register the house sites, in the event of any unapproved plots which were sold before the cut off date i.e., 20.10.2016. In the present case, the promoter after forming the unapproved lay outs, selling the plots for the first time. Therefore, Section 22-A(2) of the Registration Act, 1908 is a bar for the respondents to register any unapproved plots. However, he would submit that the benefit of regularization is very much available to the petitioner under Rule (3) of G.O.Ms.No.78, Housing and Urban Development [UD(3)] Department, dated 04.05.2017, which is extended



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without any time limit with effect from 01.07.2025. Therefore, the petitioner is entitled to get regularization/approval of plots in terms of the Rule (3) of the aforementioned G.O.Ms.No.78, Housing and Urban Development [UD(3)] Department, dated 04.05.2017 .

7. Learned Government Advocate appearing for the respondents would further submit that unless and otherwise the plots were regularized in terms of G.O.Ms.No.78, Housing and Urban Development [UD(3)] Department, dated 04.05.2017, there is a specific bar to the respondents for registering the sale deeds. Hence, he prayed for dismissal of this writ petition.

8. Heard the learned counsel on either side and perused the materials available on record.

9. The issue is pertaining to registration of sale deeds. According to the Government Advocate appearing for the respondents, the sale deeds which were presented by the promoter are pertaining to the



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unapproved layouts, formed in the year 2001. Hence, there is a bar under Section 22-A(2) of the Registration Act, 1908. However, learned counsel for the petitioner submitted that the bar will not apply, because out of 159 plots, 95 plots were sold and only 64 plots were left out. If any regularization/approval insisted for sale of the plots by the petitioner, it will create hardship for the plots owners, who were purchased prior to the cut off date i.e., 20.10.2016. At this juncture it is pertinent to extract the Section 22-A(2) of the Registration Act, 1908 and the same reads as follows:

“22-A. Refusal to register certain documents.-

(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.”

10. Reading of the above proviso shows that the instrument relating to transfer of ownership of lands converted as house sites without the permission for development of such land from planing authority concerned, there is a specific bar for transfer of ownership of



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lands converted as house sites by the promoters, subsequent to the cut off date i.e., 20.10.2016. In the event any unapproved house sites were already sold and if it is coming for re-sale, there is no bar for registration of the same before the Sub-Registrar. Therefore, it is clear that there is a bar for registration of the sale by the promoter, in the event if they are selling for the first time, subsequent to the formation of the lay out, without approval.

11. In present case, there is no dispute on the aspect that the promoter is selling 95 plots for the first time, subsequent to the cut off date without the approval. However, the petitioner submitted that they have obtained the Village Panchayat approval. As far as law laid down by this Court in W.P.No.19566 of 2015, it is clear that unless and otherwise, the approval obtained from DTCP or CMDA, all other approval granted by the concerned authority was to be considered as unapproved. Even though the petitioner has obtained a Panchayat approval, the approval is considered as unapproved and the same will not be considered as approved by the CMDA and DTCP.



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12. If it is an unapproved plot, there is a bar under Section 22-

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A(2) of the Registration Act, 1908 from the registration of the said plots without the regularization. Learned Government Advocate appearing for the respondents contended that by virtue of the regularization, the petitioner can very well regularize the plots in terms of G.O.Ms.No.78, Housing and Urban Development [UD(3)] Department, dated 04.05.2017. According to the respondents, the said Government Order was extended from time to time. Now, without mentioning any date, the provisions of aforesaid Government Order is extended from 01.07.2025. Therefore, the petitioner can very well regularize their plots in terms of Clause (3) of the G.O.Ms.No.78, Housing and Urban Development [UD(3)] Department, dated 04.05.2017 and the same reads as follows:

“3.Cut-off date for considering regularisation of unapproved plots and layouts.- Only those unapproved layouts where a part or full number of plots have been sold through a registered sale deed as on 20th October, 2016 shall be considered for regularization under these rules. Similarly, all plots including unsold ones are eligible for regularization i layouts where at least a part of the total number of plots have been sold through a registered sale deed as on 20th October, 2016. Individual plot in a sub-division registered by a sale or title deed as on 20th October, 2016 shall also be eligible for



regularization. As proof and evidence, the plot holder or the layout promoter is required to furnish copies of the sale deed or title deed for the plots sold. Agreement for sale or General Power of Attorney shall not be considered as evidence for proof of sale of plot.”

13. Reading the above clause show that it appears only those unapproved layouts where a part or full number of plots have been sold through a registered sale deed as on 20.10.2016 shall be considered as regularization under these rules. As far as proviso of Section 22-A(2) of the Registration Act, 1908 is concerned, it says that any subsequent sale of plots in unapproved layouts, there is no bar for the registration, which enables the plot owners, those who purchased the plots before the cut off date to obtain regularization/approval of their plots and it is not mandatory for the purpose of re-sale. Therefore, if the plot owners intend to re-sale their plots, which were purchased before the cut off date without regularization, there is no bar for sale of the said plots in terms of Section 22-A(2) of the Registration Act, 1908. However, in the event any promoter is intend to sale any plots in the unapproved layouts for the first time, they are supposed to get the approval in terms of Rule (3) of



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the G.O.Ms.No.78, Housing and Urban Development [UD(3)] Department, dated 04.05.2017, that is the reason the respondents stated that there is a specific bar under Section 22-A(2) of the Registration Act, 1908.

14. Therefore, unless and otherwise the plots are regularized in terms of Rule (3) of G.O.Ms.No.78, Housing and Urban Development [UD(3)] Department, dated 04.05.2017, there is a specific bar for the petitioner to register the plots in terms of Section 22-A(2) of the Registration Act, 1908. Therefore, I do not find any error in the impugned order passed by the passed by the second respondent in Na.K.No.4103/E/2024, dated 27.09.2024 and the same is liable to be confirmed. Accordingly, the same is confirmed.

In the result, this writ petition stands dismissed. No costs.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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KRISHNAN RAMASAMY.J.,

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To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
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