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W.A. No.127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

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THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A. No.127 of 2023

S.Suresh

... Appellant

Vs.

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

2.The Sub Registrar,
Anna Nagar, JJ Complex,
Jawaharlal Nehru Road,
Anna Nagar, Chennai – 600 040.

3.The Tamil Nadu Housing Board
rep. By its Executive Engineer and
Administrative Officer,
Anna Nagar Division,
Thirumangalam, Chennai – 600 040.

4.S.Ramu

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order
dated 29.04.2022 made in W.P. No.1635 of 2021.



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For Appellant : No appearance
For Respondents : Mr.U.Baranidharan,
Special Government Pleader
for R1 and R2
Mr.J.Ravindran,
Additional Advocate General
assisted by
Mr.D.R.Arun Kumar for R3
R4 – not ready in notice

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Writ order dated 29.04.2022 passed in W.P.No.1635 of 2021 is under challenge in the present intra-court appeal.

2. Writ petitioner is the appellant before this Court. The appellant presented a sale deed for registration. The Sub Registrar/registering authority refused to register the document on the ground that the subject lands were acquired by the Government and handed over to the Tamil Nadu Housing Board/requisitioning body for developing neighbourhood scheme. Refusal was made in exercise of the powers conferred under Section 22A of the Registration Act since objections have been submitted by the competent authorities. The appellant/presentant of the document submitted his explanation and the registering authority had conducted an enquiry under



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Section 71 of the Registration Act and passed a reasoned order vide proceedings dated 22.07.2016, which came to be challenged in the writ petition. A perusal of the order impugned in the writ petition would show that the subject lands had been acquired for public purpose by the Government and handed over to the Tamil Nadu Housing Board for developing neighbourhood scheme. Said order indicates that an appeal is provided under Section 72 of the Registration Act and such appeal may be filed within a period of 30 days. Instead of preferring an appeal under Section 72 of the Registration Act, the appellant has preferred a writ petition challenging the order dated 22.07.2016 passed by the registering authority.

3. There is no representation for the appellant.

4. It is the case of the appellant that the subject lands had not been acquired by the Government in the year 1967. There are discrepancies regarding the extent of lands acquired and the registering authority has not considered the explanation submitted by the appellant in this regard. That apart, limitation in the present case would not apply since the lands belong to the appellant had not been acquired by the Government.



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5. Mr.J.Ravindran, learned Additional Advocate General would oppose by stating that the subject lands had been included in the land acquisition proceedings. Acquisition proceedings was completed in all respects in the year 1967 and the acquired lands were handed over to the Tamil Nadu Housing Board and possession was taken. Thus the lands vest with the Government absolutely and presently vest with the Tamil Nadu Housing Board. The documents would show that the subject lands have been included in the land acquisition proceedings and award proceedings. Therefore, the contention of the appellant is incorrect. The writ Court has verified the documents and found that the appellant is not entitled for any relief and accordingly dismissed the writ petition.

6. On the one hand, the appellant would contend that the extent of the lands mentioned in the land acquisition proceedings is incorrect. On the other hand, learned Additional Advocate General would submit that the proposed lands have been already acquired and the acquisition proceedings and the award proceedings would indicate that the subject lands have been acquired by the Government in the year 1967. This Court is of the considered view that said disputed facts cannot be adjudicated by the writ Court in writ proceedings which require scrutinisation of original documents including the land



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acquisition proceedings of the year 1967 in entirety. High court cannot conduct a roving enquiry. In the present case, the registering authority verified certain documents and accepted the petitions given by the authorities and refused registration by passing a reasoned order under Section 71 of the Registration Act. Therefore, the appellant ought to have preferred an appeal under Section 72 of the Registration Act. The appellate authority is empowered to conduct an enquiry by calling for the original records including the land acquisition proceedings, award proceedings etc., and decide the issues independently by affording opportunity to all the parties.

7. Mr.R.Ramanlaal, learned Additional Advocate General would rely on the proceedings of the Special Commissioner and Commissioner of Land Administration, Chennai, dated 25.06.2022. Said proceedings would indicate that an adjudication had been done. Paragraph 13 of the said proceedings reads as follows:

'13. I have also considered the documentary evidence relied on by the lower courts. The only document available shows that one Thiru.Alavattan, son of Mudichooran purchased the suit property from Tmt.Vedammal. The Assistant Settlement Officer, Tiruvannamalai in his proceedings S.R.29/95-96 dated 14.11.96 granted patta in favour of Party No.1 holding them as legal heirs of



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Thiru.Amavasai. The Settlement Officer, Thanjavur in his proceedings RP5/97 and 17/97 dated 10.03.2000 cancelled the orders of the Assistant Settlement Officer and granted patta to Party No.3 holding them as legal heirs of Thiru.Amavasai. There is no valid documentary proof to the legal heirship of either of the parties. The property was acquired in the year 1967 by the Tamil Nadu Housing Board. Hence, it is blatantly irregular to pass orders in favour of either of the parties after a long delay of more than 45 years, that too without any valid documentary proof to establish their claim. Hence, both these orders are highly irregular and has to be set aside.'

8. Relying on the order passed by the Commissioner of Land Administration, learned Additional Advocate General would contend that subject lands had already been acquired by the Government and handed over to the Tamil Nadu Housing Board. Thus the present appeal is to be rejected.

9. In any event, all the allegations and counter allegations relating to acquisition proceedings are of the year 1967 and the identity of the presentant of the document is to be verified by the appellate authority in the event of preferring any appeal under Section 72 of the Registration Act.

10. In view of the above facts and circumstances, the appellant is at liberty to prefer appeal under Section 72 of the Registration Act within a period



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of four weeks from the date of receipt of a copy of this order and the appellate authority shall adjudicate the issues independently on merits by affording opportunity to all the parties and pass final orders on merits and in accordance with law within a period of six months from the date of receipt of appeal.

11. With the above directions, the writ appeal stands disposed of. There shall be no order as to costs.

[S.M.S, J.] [M.S.Q, J.]
16.10.2025

Index:Yes/No
Neutral Citation:Yes/No
mmi

To

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