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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

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

WA No. 3239 of 2025

1. The Inspector General Of Registration
Office Of Inspector General Of Registration,
Chennai.

2.The District Registrar
Vellore

3.The Sub Registrar
Kaniyambadi, Vellore

Appellant(s)

Vs

1. S Mohandoss

Respondent(s)

PRAYER

To set aside the Order dated 04.11.2024 made in W.P No. 31578 of 2024.

For Appellant(s): Mr. U.Baranidharan
Special Government Pleader

For Respondent(s): Mrs.AL.Ganthimathi
Senior Counsel
For Mr.L. Palani Muthu

ORDER



(Order of the Court was made by S.M.Subramaniam J.)

The writ order dated 04.11.2024 in W.P.No.31578 of 2024 is under challenge in the present intra-court appeal instituted under Section 15 of Letter Patent.

2. State preferred the present appeal through Inspector General of Registration, District Registrar and Sub-Registrar. Respondent filed writ petition challenging the refusal check-slip issued by 3rd appellant on 11.09.2024 refusing to register the sale deed dated 11.09.2024 presented for registration in respect of the property to an extent of 820 sq.ft and other properties in Survey No.47, Old Survey No.82, Kaniyambadi Village, Vellore Taluk.

3. Perusal of refusal check-slip would show that house site, which is subject-matter of sale deed presented for registration was not approved by competent Planning authorities. Plot approval is required under Section 22A proviso clause, if the house site has not been registered as a house site prior to cut-off i.e., 16.10.2016, the cut-off date fixed for regularising unauthorised house sites.

4. Learned Senior Counsel appearing on behalf of the respondent would submit that entire survey number has already been registered. Therefore, no



such independent approval of house site is required.

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5. Learned Government Advocate appearing on behalf of the appellant would oppose by stating that an earlier registration was relating to partition deed and an unregistered Will. As far as the subject sale deed is concerned, house site was not approved prior to cut off date as house site. Therefore, permission from competent planning authority is mandatory as contemplated under proviso clause to Sub-section (2) to Section 22A of Registration Act.

6. This Court is of the considered view that beyond dispute raised between the parties to the lis on hand, scheme under the Act provides adjudication of issues before the competent authorities at the first instance. Issuance of refusal check-slip *per se* would provide no cause to institute writ proceedings. On receipt of refusal check-slip, person who received may submit his explanation along with the documents, if any, to Registering Authority, who in-turn has to conduct an enquiry under Section 71 of Act by affording an opportunity to the parties. If the presentant of document is aggrieved from and out of final reasoned order passed by Registering authority, he has to challenge the said order by way of an appeal under Section 72 of Act. Thereafter, Section 77 of Act contemplates institution of a suit. Alternate remedy contemplated under the Act is efficacious and to be exhausted before approaching High Court. By way of writ proceedings, disputed facts cannot be adjudicated.



7. In the present case, learned Senior Counsel for the respondent would submit that registrations have already been done.

8. Per-contra, learned Special Government Pleader would submit that no plot approval has been obtained prior to cut-off date. Therefore, it is mandatory under the proviso clause to Sub-section (2) to Section 22A of Registration Act. These issues can be effectively adjudicated before Registering Authority under Section 71 and thereafter, under Section 72, and by instituting a suit under Section 77 of Registration Act.

9. In view of the scheme under the Act as stated above, respondent has to submit his explanation to Registering Authority, who in-turn shall conduct an enquiry and pass a reasoned order under Section 71 of Act.

10. In view of the above discussions, the writ order dated 04.11.2024 made in W.P No. 31578 of 2024 is set aside. Accordingly, the writ appeal is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

04-11-2025

gd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

S.M.SUBRAMANIAM J.



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