



W.P (MD).No.203 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.203 of 2025

L.Saranya

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome High Road,
Raja Annamalaipuram,
Chennai-600 009.

2.The District Registrar (Administration),
District Registrar Office,
Collector Office Campus,
Kokkirakulam,
Palayamkottai,
Tirunelveli District.

3.The Sub-Registrar,
Office of the Sub-Registrar,
Panagudi,
Tirunelveli District.

... Respondents

Prayer: 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 impugned Refusal Check Slip under RFL/Panagudi/62/2024, dated 17.12.2024 issued by the third respondent and quash the same and pass suitable orders to the third respondent to register the Sale Deed dated 17.12.2024 in the



W.P (MD).No.203 of 2025

name of the petitioner, in respect of the agricultural lands to an extent of 4.676 cents comprised in Survey No.675/6C, Levinjipuram Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.G.Aravinthan
for M/S.Aran Legal Consultancy

For Respondents : Mr.M.Sarangan
Additional Government Pleader

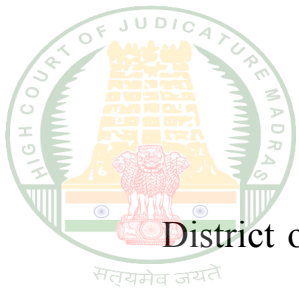
ORDER

This writ petition has been filed challenging the refusal check slip issued by the third respondent, dated 17.12.2024 thereby, refused to register the sale deed on the ground that there is a bar under Section 22-A(2) of the Registration Act.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The property to an extent of 0.49.50 ares comprised in Survey No. 675/2C situated at Levinjipuram Village, Radhapuram Taluk, Tirunelveli



W.P (MD).No.203 of 2025

District owned by one Ponniah. He had sold to an extent 53.123 cents out of total extent of the land by the registered sale deed, dated 06.05.2022, vide document No.1921 of 2022 in favour of one Sivalingam. The said Sivalingam applied for subdivision and mutated patta also in his name. For the purchase of the lands to an extent of 4.676 cents sub-divided as Survey No.675/6C at Levinjipuram Village out of larger extent of 53.123, the petitioner approached the Sivalingam. On 17.12.2024 he executed the sale deed in favour of the petitioner. The said sale deed was presented for registration, however, the third respondent refused to register the same on the ground that there is a bar under Section 22-A2 of the Registration Act.

5. The learned counsel for the petitioner would submit that it is only an agricultural land and it is never shown as house plot. Therefore, the third respondent ought not to have refuse to register the same. The entire extent of the property is unapproved one. It was not layout into house plots. The petitioner's vendor purchased the half of the property and sub-divided into house plots. One of the sub-divided house plot was sold out in favour of the petitioner herein to an extent of 4.676 cents.



6. The provision under Section 22-A of the Registration Act was inserted by the Tamil Nadu Amendment Act 2 of 2009 with effect from 20.10.2016. It is relevant to extract Section 22-A of the Act hereunder:-

“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:—

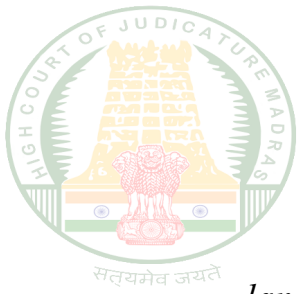
(1)instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,—

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958; or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995, unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;



(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.

Explanation I.—For the purpose of this section ‘local authority’ means,—

- (i) any Municipal Corporation constituted under any law for the time being in force; or*
- (ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 ; or*
- (iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 ; or*
- (iv) any other Municipal Corporation, that may be constituted under any law for the time being in force.*

Explanation II.—For the purpose of this section ‘planning authority’ means the authority constituted under section 11 of, and includes the Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

(3) instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed.”



W.P (MD).No.203 of 2025

7.Though the proviso to Section 22-A(2) of the Act says 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, the proviso to Section 22-A(2) is not applicable to the case on hand. That apart, the Regularization of Unapproved Plots and Layouts Rules, 2017 (hereinafter referred to as 'the Rules') were made by G.O.(Ms)No.78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017. The Rule 3 of says about cut off date for considering the regularization of unapproved plots and layouts. It is relevant to extract Rule 3 hereunder:-

“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 in 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.”



W.P (MD).No.203 of 2025

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8. From the above, it is clear that all plots including unsold ones are eligible for regularization in layouts, where at least a part of the total number of plots have been sold and individual plot in a sub-division registered by a sale or title deed as on 20.10.2016 shall also be eligible for regularization. Therefore, the subject plot, which is now stopped for registration, is required for regularization. It is being the first sale, the judgment cited by the learned counsel for the petitioner is not applicable to the case on hand.

9. Thus, it is clear that the unapproved plots cannot be registered and it is liable to be regularised. That apart, the consequences of non-regularisation if the house plot is not regularised, electricity, water supply and other amenities shall not be extended to such unapproved plot or layout. Such unapproved plots shall not be registered under the Registration Act 1908. Further, no building approval shall be given by the authorities concerned for such unapproved plot. In order to give effect to the consequences, the plots shall be regularised in the manner known to law, therefore, the subject property is dropped for registration and it requires regularisation. Therefore, the third respondent has rightly refused to register the same and this Court finds no



W.P (MD).No.203 of 2025

infirmity or illegality in the order passed by the third respondent and it is liable to be dismissed.

10. Accordingly, the writ petition is dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

07.01.2025

To

1.The Inspector General of Registration,
Registration Department,
Santhome High Road,
Raja Annamalaipuram,
Chennai-600 009.

2.The District Registrar (Administration),
District Registrar Office,
Collector Office Campus,
Kokkirakulam,
Palayamkottai,
Tirunelveli District.

3.The Sub-Registrar,
Office of the Sub-Registrar,
Panagudi,
Tirunelveli District.



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W.P (MD).No.203 of 2025

G.K.ILANTHIRAIYAN, J.

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W.P (MD).No.203 of 2025

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