

W.P (MD).No.331 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.01.2025

CORAM

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

W.P (MD).No.331 of 2025

and

W.M.P(MD)No.225 of 2025

T.Pratheeba

... 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,
Palayamkottai,
Kokkirakulam,
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/65/2024, dated 26.12.2024 issued by the third respondent and quash the same and to direct the



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third respondent to register the Sale Deed dated 26.12.2024 in relation to the lands to an extent of 10.25 cents (0.04.14 Hectares) situate within large extent of 1 acre 20 cents comprised in Survey No.887 (887/24A1A2 as per Sub Division) Livinjipuram Village, Radhapuram Taluk, Tirunelveli District.

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

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the third respondent, dated 26.12.2024 thereby, refused to register the sale deed on the ground 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.



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4. The Punja lands to an extent of about 0.11.17 hectares (27.58 cents) being the lands situate on the western 1 acre 20 cents on the southern 3 acre 56 cents leaving the 3 cents on the North East, in the total extent of 7 acre 12 cents (2.88.25 Hectares) comprised in Survey No.887, Levinjipuram Village, Radhapuram Taluk, Tirunelveli District belong to one R.Sundaram vide Sale Deed under Document No.898 of 2016 with the Sub-Registrar of Panagudi, the third respondent herein. On 07.01.2021 the said R.Sundaram sold the said lands to one T.Ulaganathan, Devi Chandran, Srinivasan, Kala and Krishnasamy and the said Sale has been registered with the Sub-Registrar, Panagudi as Document No.87 of 2021.

5. The said T.Ulaganathan, Devi Chandran, Srinivasan, Kala and Krishnasamy partitioned the said lands and the terms of the partition were reduced to writing and the partition deed came to be registered with the third respondent as Document No.2006 of 2022. As per the said partition out of 27.58 cents comprised thereon, 10.25 cents comprised thereon in Survey No. 887 has been allotted to T.Ulaganathan. The petitioner approached the said T.Ulaganathan towards purchase of the said lands to an extent of 10.25 cents allotted to him vide partition deed in document number 2006/2022, dated 12.05.2022. The said sale deed was presented for registration, however, it was



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refused to register the same on the ground that there is a bar under Section 22-A of the Registration Act.

6. On perusal of the order impugned in this writ petition revealed that already there was an audit objection in respect of registration of the partition deed by the petitioner's vendor and another. In respect of its sub division into house plots 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



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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,—

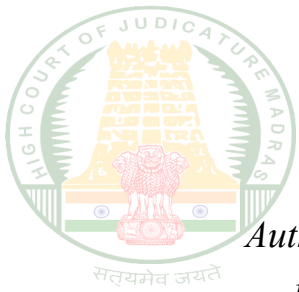
(i) any Municipal Corporation constituted under any law for the time being in force; or

(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



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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.”

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, since the petitioner is the developer and it is the first sale, 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



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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.”

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 through a registered sale deed as on 20.10.2016 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 petitioners 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 plot



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shall not be registered under the Registration Act 1908. Further, no building approval shall be given by the authorities concerned for such unapproved plot.

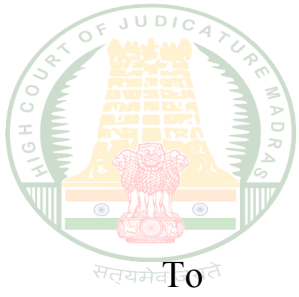
In order to give effect to the consequences, the plots shall be regularised in the manner known to law. Therefore, the subject property is dropped for registration and it requires regularisation.

10. Therefore, the third respondent has rightly refused to register the same and this Court finds no infirmity or illegality in the order passed by the third respondent and it is liable to be dismissed.

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

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

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To

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G.K.ILANTHIRAIYAN, J.

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