



W.P.(MD)No.2338 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2025**

CORAM:

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

W.P.(MD)No.2338 of 2025

R.Renganathan

... Petitioner

/Vs./

1.The District Registrar,
Virudhunagar District.

2.The Sub-Registrar,
Palavanatham Village,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to register the settlement deed registered on 12.12.2024 executed by the writ petitioner in favour of his elder son Pandeewaran, which is pending registration under TP/201717418/2024 without insisting on production of any DTCP approval relating to Plot No.3, under Survey No.70/11 Patta No.3403 of Palavanatham Village, Aruppukottai Taluk, Virudhunagar District and release the said document forthwith.



W.P.(MD)No.2338 of 2025

WEB COPY

For Petitioner : Mr.K.R.Laxman

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

ORDER

This writ petition has been filed for a direction directing second respondent to register the settlement deed 12.12.2024 executed by the writ petitioner in favour of his elder son Pandeewaran, which is presented for registration and it is kept as pending document in respect of the property comprised in Survey No.70/11, Plot No.3 situated at Palavanatham Village, Aruppukottai Taluk, Virudhunagar District under patta No.3403.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner had purchased the property comprised in S.No. 70/11 to an extent of 37 cents by the registered sale deed dated



W.P.(MD)No.2338 of 2025

WEB COPY

23.10.2006 registered vide Document No.1555 of 2006. Thereafter, the petitioner formed a road for the said land and sold out to an extent of 6.24 cents in favour of one Kanakaraj by the registered sale deed dated 22.01.2016 vide registered document No.182 of 2016. Subsequently, he also sold out another piece of land to an extent of 10.34 cents in favour of one Ramesh vide registered document No.183 of 2016. Now, the petitioner had executed the settlement deed in respect of the remaining land admeasuring 6.24 cents in favour of his son 12.12.2024 and presented for registration. However, it was refused to register by the second respondent on the ground that there is a bar under Section 22-A of the Registration Act and the subject house plot requires regularisation.

4. Though the other house plots were sold, there is an amendment in 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



W.P.(MD)No.2338 of 2025

WEB COPY *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



W.P.(MD)No.2338 of 2025

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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.2338 of 2025

WEB COPY

5. 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 petitioners are the developers 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 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



W.P.(MD)No.2338 of 2025

WEB COPY

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.”

6. 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.

7. Therefore, the second respondent has rightly refused to register the settlement deed on the ground that there is a bar under Section 22-A of the Registration Act since the subject property is unapproved, it



W.P.(MD)No.2338 of 2025

WEB COPY

requires regularisation and there is no illegality or irregularity in the order passed by the respondent and there is no interference is required in this regard.

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

28.01.2025

Index : Yes / No
NCC : Yes / No
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TO:-

- 1.The District Registrar,
Virudhunagar District.
- 2.The Sub-Registrar,
Palavanatham Village,
Virudhunagar District.



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W.P.(MD)No.2338 of 2025

G.K.ILANTHIRAIYAN, J.

am

Order made in
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