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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No.1942 of 2025

S. Marnattan

... Petitioner

Vs.

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

2. The Sub Registrar,
Sholavandhan,
Madurai District 625 614.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records relating to the refusal check slip RFL/Sholavandhan/1/2025 dated



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08.01.2025 passed by the 2nd respondent and quash the same and further direct the 2nd respondent to register the settlement deed dated 07.01.2025.

For Petitioner : Mr.S.Vellaichamy

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a ***Writ of Certiorarified Mandamus***, to quash the refusal check slip dated 08.01.2025 and further direct the 2nd respondent to register the settlement deed dated 07.01.2025.

2. Through the impugned order, the 2nd respondent has refused to register the settlement deed on the ground that the petitioner has not obtained approval for the layout, hence registration would be against Section 22(A)(2) of the Registration Act.



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3. The learned counsel appearing for the petitioner submitted that the petitioner purchased an extent of 85 cents in S.No.18/10 vide Document No. 2559/2017 dated 06.12.2017. Then purchased 18½ cents in S.No.18/16A vide Document No.681/2018 dated 09.04.2018.

4. Then the petitioner had executed registered settlement deed in Document No.1055/2020 dated 17.07.2020 to his 3rd daughter wherein he had settled centre portion admeasuring 972 square feet in S.No.18/16A.

5. Then the petitioner had executed registered sale deed in Document No.2389/2024 dated 04.12.2024 wherein he had sold 14 cents in S.No.18/36

6. Now the petitioner had executed registered settlement deed dated 07.01.2025 to another daughter wherein he had settled southern portion admeasuring 11½ cents in S.No.18/10 from the larger extent of 85 cents and presented for



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registration, but the registering authority refused to register the same. Hence the present writ petition.

7. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner had purchased larger extent of 85 cents after the cut-off date of 20.10.2016 and has settled smaller extent to the daughters without obtaining layout approval. Further it was submitted that a new road has been formed by the petitioner and hence the document cannot be registered.

8. Further he relied on the order dated 07.01.2025 passed in W.P. (MD)No. 331 of 2025 wherein it is held 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. Against the said order W.A(MD)No.1158 of 2025 was preferred and the order passed in writ petition was confirmed. Hence the



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Learned Government Pleader submitted that based on the said judgment, the petitioner settlement deed cannot be regularised.

9. In the present case the petitioner had purchased a larger extent of 85 cents and 18½ cents in S.No.18/10 and S.No.18/16A respectively. Thereafter had settled 11½ cents in S.No.18.10 alone to the petitioner's daughter and the remaining is still with the petitioner. Therefore, it cannot be stated that the petitioner had divided the lands into plots, consequently the section 22A is not attracted. Hence the impugned check slip is erroneous. These facts would indicate that the aforesaid judgment is not applicable to the present facts of the case. Therefore, the impugned order is liable to be quashed.

10. However, the settled cannot be considered as settling agricultural land, since the petitioner is settling only 11 ½ cents, which is below 20 cents. Therefore, the respondents are directed to register the same as housing plot.



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11. Accordingly, the impugned refusal check slip dated 08.01.2025 is hereby quashed. The respondent is directed to register the settlement deed within a period of four weeks from the date of receipt of a copy of this order. With the observations, this Writ petition is allowed. No Costs.

29.07.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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2. The Sub Registrar,
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S.SRIMATHY, J

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