



W.A.(MD)No.1158 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.1158 of 2025

T.Pratheeba

... Appellant

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 : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.331 of 2025 dated 07.01.2025 on the file of this Court.



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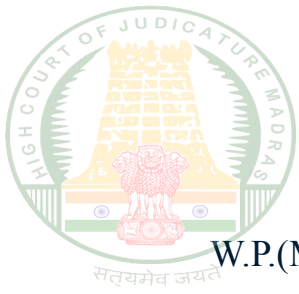
For Appellant : Mr.G.Aravinthan,
For M/s.Aran Legal Consultancy.

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.S.Kameswaran,
Government Advocate.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.One Ulaganathan and four others joined together and purchased 27.58 cents vide Document No.87/2021 in Levinjipuram Village. Thereafter, they partitioned the said extent of land amongst themselves. Ulaganathan was allotted 10.25 cents of land in the partition deed dated 12.05.2022 (Document No.2006/2022). The said Ulaganathan in turn sold 10.25 cents of land to the appellant / Pratheeba vide sale deed dated 26.12.2024. It was presented for registration before the Sub Registrar, Panagudi. The registering authority declined to register the document and issued refusal check slip. It was put to challenge in



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W.P.(MD)No.331 of 2025. The learned Single Judge dismissed the writ petition vide order dated 07.01.2025. Aggrieved by the same, this writ appeal came to be filed.

3.It is too obvious that the appellant had only purchased a piece of house site in an unapproved lay out. Only if the extent of land purchased by the appellant is 20 cents or above, it can be said to be for agricultural purposes. Paragraph Nos.7, 8 and 9 of the order of the learned Single Judge read as follows:-

“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:



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“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.”

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



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not be extended to such unapproved plot or layout. Such unapproved plot 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.”

4.The learned Single Judge has adopted the correct approach and interference is not warranted. The writ appeal stands dismissed. No costs.

(G.R.S. J.,) & (K.R.S. J.,)
16.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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