



W.A(MD) No.1156 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.1156 of 2025

L.Saranya

... Appellant / 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.**

... Respondent / Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 07.01.2025 passed in W.P. (MD)No.203 of 2025 on the file of this Court.

For Appellant : Mr.G.Aravinthan

For Respondents : Mr.Veera Kathiravan
assisted by
Mr.G.Suriya Ananth
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant purchased 4 ½ cents of land from her vendor vide sale deed dated 17.12.2024. It was presented for registration before SRO, Panagudi. The registering authority declined to register the document and issue the refusal check slip. Challenging the same, the appellant filed W.P.(MD)No.203 of 2025. The learned single Judge dismissed the writ petition vide order dated 07.01.2025 in the following terms:-



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“6. The provision under Section 22-A of the Registration Act was

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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



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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.”

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.”



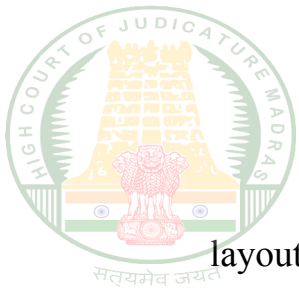
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8. From the above, it is clear that all plots including unsold ones are eligible for regularization in layouts, where at least a part of the total number of plots have been sold and individual plot in a sub-division registered by a sale or title deed 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 infirmity or illegality in the order passed by the third respondent and it is liable to be dismissed.”

3. It is true that the land in question had been described in the sale deed dated 17.12.2024 as punja land. We have to apply what is known as 'Rule of Practical Interpretation'. In 4 ½ cents of land, one cannot carry on agricultural activities. It is too obvious that the appellant has purchased a piece of house site. It admittedly forms part of unapproved



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layout. The Government of Tamil Nadu has taken a policy decision not to permit registration of such transactions. The learned single Judge had correctly applied the legislative mandate. Interference with the order of the learned single Judge is not warranted. The Writ Appeal is dismissed. No costs.

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

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

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Registration Department,
Santhome High Road,
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Chennai-600 009.
- 2.The District Registrar (Administration),
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