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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.19620 of 2025

M.Syed Mohamed ... Petitioner

vs.

The Sub Registrar,
The Melur West Sub Registrar Office,
Melur,
Madurai District. ...Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned check slip RFL/Melur (West) /32/2025 dated 01.07.2025 issued by the respondent herein and to quash the same and consequently, to direct the respondent herein to entertain the Sale Deed dated, 08.05.2025 and presented by the petitioner for registration dated 01.07.2025 for registration, within time fixed by this Court.

For Petitioner : Mr.S.Sankar

For Respondent : Mr.S.Saji Bino
Special Government Pleader

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ORDER

The present Writ Petition has been filed for the issuance of aWrit of Certiorarified Mandamus, to quash the impugned check slip RFL/Melur (West)/32/2025, dated 01.07.2025, issued by the respondent herein and

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consequently, to direct the respondent herein to entertain the sale deed dated, 08.05.2025 and presented by the petitioner for registration dated 01.07.2025 for registration, within time fixed by this Court.

2.Through the impugned order, the respondent has stated that a larger extent of land, ie., 59.75 cents have been divided into plots and layout has been formed but the layout has not been approved. Therefore, under Section 22 A, the said plot cannot be registered.

3.The learned Counsel appearing for the petitioner submitted that the layout was formed prior to 2016 and several sales had happened right from 2014 to 2016. Now, only five more plots are available for sale in which one of the plots is being purchased by the petitioner. When a substantial portion of the land is sold, the respondent cannot refuse to register the balance plots. The same has been held in the case of ***T.Sakthivel vs Sub Registrar.***

4.The learned Special Government Pleader vehemently opposed stating that the above said order cannot be followed, since the Honorable Division Bench of this Court in W.A.(MD)No.1158 of 2025, vide judgment, dated 16.07.2025, has held that if any plot is sold to an extent of 20 cents and below, it has to be considered as a housing plot. Therefore, approval of layout is necessary.

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in the case. The relevant portion of the judgment is extracted hereunder:

"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:

"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 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 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."

5. On perusing the said judgment, it is seen that the Honorable Division Bench has considered regarding the extent of the property but the issue in the present case is that when a larger portion have been sold, the balance portion can be registered or not. The present issue was not considered in the said writ appeal.

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6.Therefore, this Court is of the considered opinion the order passed by the Learned Single Judge in the case of T.Sakthivel vs Sub Registrar is more relevant in the present case. Thereby, following the same the impugned order is quashed and the respondent is directed to register the sale deed within a period of four weeks from the date of receipt of a copy of this order.

7.With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

05.08.2025

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

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To:

The Sub Registrar,
The Melur West Sub Registrar Office,
Melur,
Madurai District.

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S.SRIMATHY, J.

Tmg

ORDER MADE IN
W.P(MD)No.19620 of 2025

DATED :05.08.2025

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