

W.P(MD)No.20571 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20571 of 2025

Aravinth

... Petitioner

Vs

1. The District Registrar,
Tirunelveli District,
Tirunelveli.

2. The Sub Registrar,
Vadakku Veeravanallur,
Tirunelveli District.

... Respondents

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 pertaining to the Impugned Refusal Check Slip issued by the 2nd respondent in his proceedings in Refusal Number RFL/Vadakkuveeravanallur/27/2025 dated 18.06.2025 and quash the same as illegal and arbitrary and further direct the 2nd respondent to register the Sale deed dated 18.06.2025 which is submitted by the petitioner herein and one Vimaladevi with regard to property in Survey No. 1/10 to an extent of 20 cents situated at Therkkku Veeravanallur - 1, Cheranmahadevi Taluk, Tirunelveli District.



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W.P(MD)No.20571 of 2025

For Petitioner

:Mr.S.Mariselvam

For Respondents

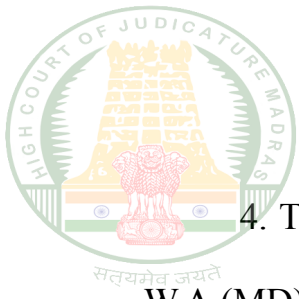
:Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 18.06.2025 and consequently direct the second respondent to register the Sale deed dated 18.06.2025.

2. Through the impugned order, the respondents refused to register the sale deed on the ground that the petitioner had not obtained DTCP approval, therefore, it is against the provisions of Section 22A(2) of the Registration Act.

3. The learned Counsel appearing for the petitioner submitted that the Petitioner had inherited the property through a Will dated 10.05.2024. The petitioner has sold the property as agricultural land and the extent of the properties is more than 20 cents. He further submitted that if any property is sold more than 20 cents as agriculture land, then the same would not attract Section 22A(2).



4. The said issue was also considered by the Honorable Division Bench in

W.A.(MD)No.1158 of 2025 dated 16.07.2025, wherein it is held as under:

“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.”

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

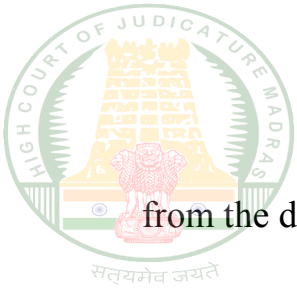


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the total number of plots have been sold through a registered sale deed as on 20.10.2016 and individual plot in a sub-division registered by a sale or title deed as on 20.10.2016 shall also be eligible for regularization. Therefore, the subject plot, 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. Therefore, following the above orders, this Court is of the considered opinion that if agriculture land is sold as agriculture land with an extent of more than 20 cents, the provisions of section 22A(2) of the Act will not be applicable. In the present case, since the petitioner is selling 20 cents of land under a sale deed, Section 22A(2) of the Act is not attracted. The impugned order is a clear case of non-application of mind and the same is hereby quashed. The official respondents are directed to register the sale deed within a period of four (4) weeks



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from the date of receipt of a copy of this order.

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6. With the above said directions, this Writ Petition is allowed. There shall be no order as to costs.

29.07.2025

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

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To:

1. The District Registrar,
Tirunelveli District,
Tirunelveli.
2. The Sub Registrar,
Vadakku Veeravanallur,
Tirunelveli District.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.20571 of 2025

DATED : 29.07.2025