



W.P(MD) Nos.14400 & 14401 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 15.12.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

W.P(MD) Nos.14400 & 14401 of 2017

&

W.M.P.(MD)Nos.11286 & 11287 of 2017

S.Ayyappan

... Petitioner
in both W.Ps.

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development (UD 4(3)) Department,
Secretariat,
Chennai.
- 2.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Chennai.
- 3.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Registration Department,
Secretariat,
Chennai.



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4.The Inspector General of Registration,
O/o the Inspector General of Registration,
Santhome,
Chennai.

5.The Commissioner of Town and Country Planning,
Chennai-600 002.

... Respondents
in both W.Ps.

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to call for the records relating to declare that the Tamil Nadu Regularization of Unapproved Layouts and Plot Rules, 2017 issued under G.O.(Ms).No. 78 Housing and Urban Development [UD 4(3)] Department, dated 04.05.2017 as Ultra Vires.

For Petitioner : Mr.M.Md.Zamil
for Mr.C.Venkatsh Kumar

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1, R1, R3 & R5

: Mr.K.S.Selvaganesan
Additional Government Pleader
for R4



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COMMON ORDER

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

Heard both sides.

2. The petitioner challenges the validity of the Tamil Nadu Regularization of Unapproved Layouts and Plot Rules, 2017 issued in G.O.(Ms)No.78, Housing and Urban Development [UD 4(3)] Department dated 04.05.2017.

3. Though the rules are a piece of subordinate legislation, they can be assailed only on certain grounds. The petitioner must show that they are ultra vires provisions of the parent statute or they are unconstitutional. The competence of the authority to issue the Rules can also be pleaded. In the case on hand, no such grounds have been made out. The prime grievance appears to be regarding the cut off date prescribed in the Rules ie., 20.10.2016. It is open to the authority issuing subordinate legislation to prescribe the cut off date in such cases. But then, there must be some object behind such prescription.

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4. It is pointed out by the learned Additional Government Pleader that Section 22A of the Registration Act which is a Tamil Nadu amendment though brought out in the year 2012 came into force only on 20.10.2016. In order to align the present Rules with the statutory scheme underlying the Registration Act, 20.10.2016 has been chosen as the cut off date. Such a choice cannot be termed as arbitrary by any stretch of imagination. We therefore do not find any ground to interfere at all. The Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (R.K.M., J.)
15.12.2025

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

To

1. The Secretary to Government,
Housing and Urban Development (UD 4(3)) Department,
Secretariat,
Chennai.



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- 2.The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Chennai.
- 3.The Secretary to Government,
Registration Department,
Secretariat,
Chennai.
- 4.The Inspector General of Registration,
O/o the Inspector General of Registration,
Santhome,
Chennai.
- 5.The Commissioner of Town and Country Planning,
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