



W.A(MD)No.2633 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.2633 of 2024

Anbuselvan

... Appellant

vs.

1. The District Registrar,
Madurai District,
Madurai.

2. The Sub Registrar,
Melur East Sub Registrar Office,
Melur,
Madurai District.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 20.11.2024 made in W.P(MD)No.27731 of 2024.

For Appellant : Mr.A.Saravanan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate



W.A(MD)No.2633 of 2024

JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 20.11.2024 made in W.P(MD)No.27731 of 2024.

2. The facts leading to the filing of the writ appeal are as follows:

The property comprised in Survey No.158/1D2 admeasuring 8.16 cents situated at Othapatti Village, Melur Taluk, Madurai District, was owned by the appellant's vendor one Chidambaram, from whom, the appellant purchased the said property by a registered sale deed, dated 11.12.2018 vide document No.6072/2018. Thereafter, he presented the property documents for registration. However, the Registrar refused to register on the ground that the subject property is an unapproved house plot. Challenging the said order, the appellant filed writ petition and the Writ Court, holding that Section 22(A) of the Tamil Nadu Registration Act, 1908, is not applicable, has dismissed the writ petition, against which, this appeal has been filed. The relevant paragraphs of



W.A(MD)No.2633 of 2024

the impugned order are as follows:

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"4. It is relevant to extract Section 22(A) of the Tamil Nadu Registration Act, 1908.

"22-A(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."

5. Thus, it is clear that ownership of lands converted as house sites without the permission for development of such land from planning authority cannot be registered. At the same time, the house sites without such permission may be registered if it is shown as house site by previous registered sale deed. In the case on hand, admittedly, the petitioner's vendor had purchased the subject property as punja land to an extent of 8.16 cents. Therefore, the proviso to Section 22-A(2) is not applicable to the case on hand. That apart, as per Circular, dated 21.06.2017 based on the orders passed by this Court, any instrument relating to a plot/house site wherein transfer of ownership has already been registered prior on 21.10.2016 is presented for registration, the registering officer shall proceed with the registration of the same as per the proviso to Section 22-A(2) of the Registration Act, 1908. Thereafter after 21.10.2016 if any registration made for the unapproved house sites, the registering authority can refuse to register the same and it is violation of the orders passed by this Court. On both



grounds, the registration of the subject property which was presented for registration cannot be done and the second respondent has rightly refused to register the sale deed and this Court finds no infirmity or illegality in the order passed by the second respondent and this writ petition is devoid of merits and it is liable to be dismissed.

6. Though the learned counsel for the petitioner specifically contended that it is a punja land, on perusal of the Encumbrance Certificate in respect of the entire extent of the property comprised in the very same survey number as 4 cents and 8 cents as house plots were sold out to various persons. Therefore, in order to escape from the stamp duty, they have shown as punja lands.'

3. Admittedly, the petitioner's vendor had purchased the subject property as punja land to an extent of 8.16 cents. Therefore, the proviso to Section 22-A(2) is not applicable to the case on hand. However, if the transfer of ownership in respect of plot/house site has already been registered prior to 21.10.2016, the document presented for registration can be registered, as per the Circular dated 21.06.2017. In this case, no such prior registration document is available in respect of the property in question. Therefore, on both grounds, the registration cannot be done. The Writ Court has also perused the encumbrance



W.A(MD)No.2633 of 2024

certificate in respect of the entire extent of the property in question and finding that in the very same survey number, two house plots to an extent of 4 cents and 8 cents respectively, were sold out to other persons, held that in order to escape from payment of stamp duty, the appellant had shown the property as punja lands. Ultimately, the Writ Court dismissed the writ petition. We do not find any infirmity or illegality in the order passed by the learned Judge.

4. Accordingly, the Writ Appeal is dismissed. No costs.

[J.N.B, J.] [S.S.Y, J.]
13.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The District Registrar,
Madurai District,
Madurai.

2. The Sub Registrar,
Melur East Sub Registrar Office,
Melur, Madurai District.



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W.A(MD)No.2633 of 2024

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JUDGMENT MADE IN
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