



W.P.No.6902 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

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1. M.Mathivanan

2 M.Ambjuam

...Petitioners

Vs.

1 The Director of Town and Country planning
Mount Road Chennai-2.

2 The Assistant Director of Town and country planning
Thanjavur, Thanjavur District

3 The Inspector General of Registration
Santhome Chennai District

4 The District Registrar
Nagapattinam District

5 The Sub Registrar
O/o.Sub Registrar – Thiruvarur
Thiruvarur District

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records of the impugned order in Ref.No.Na.Ka.No. 10014/2019/TCP 2 passed by the 1st respondent vide his proceedings dated 19.12.2019 rejecting the petitioner's claim for regularization and to quash the same and consequently direct 1st respondent to regularize the layout namely Ambujam Maniam Nagar situated at Devarkandanallur village, Thiruvarur



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Taluk(Formerly Kodavasal Taluk) Thiruvarur District comprised in survey No. 148/1, 148/2, 140/4, 140/6, 140/ 7 & 140/10 in all admeasuring 3.48 Acres from and out of 5.86 Acres.

For Petitioners : Mr.T.Saikrishnan
For Respondents : Mrs.S.Anitha,
Special Government Pleader

Order

Heard Mr.T.Saikrishnan learned counsel appearing for the petitioner and Mrs.S.Anitha, learned Special Government Pleader for respondents.

2. This Writ Petition is filed seeking for the following prayer:-

i) To quash the order passed by the 1st respondent vide his proceedings dated 19.12.2019. whereby, the petitioner's claim for regularization has been rejected and consequently, to direct 1st respondent to regularize the layout namely Ambujam Maniam Nagar situated at Devarkandanallur Village, Thiruvarur Taluk (Formerly Kodavasal Taluk) Thiruvarur District, comprised in survey Nos. 148/1, 148/2, 140/4, 140/6, 140/ 7 & 140/10 in all admeasuring 3.48 Acres from and out of 5.86 Acres.



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3. The learned counsel for the petitioner would submit that in terms of the order passed by the Government vide G.O.(Ms)No.78 of Country Planning Department dated 04.05.2017, particularly, clause 3, the petitioner is eligible to seek for regularization of the land; that therefore, the petitioner made an application seeking for regularization before the first respondent, but, the first respondent taking into consideration of the clarification issued by the third respondent, passed the impugned order dated 19.07.2019 rejecting the claim of the petitioner, and hence, the petitioner filed this Writ Petition challenging such rejection order.

3.1 The learned counsel for the petitioner assailed the order passed by the first respondent by contending that, the petitioner after obtaining NOC from Devekankandanallur Village Panchayat, which passed a Resolution No.39 dated 31.01.2015 granting no objection for forming layout and selling the plot and after completing all such procedures relating alienation of plots, sold a Plot No.26, measuring to an extent of 1000 sq.mt in S.No.140/7 to one Mala by way of executing a Sale Deed dated 19.07.2016; that when the said document was presented for registration before the fifth respondent on 12.08.2016, the same has been retained by the fifth respondent for the



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purpose of fixation of guideline value, since, no property was sold in the above said layout; that after a lapse of two years, i.e. on 29.10.2018, the fifth respondent issued a notice and called upon the petitioner to get DTCP approval and again on 15.03.2019, issued a final notice to the petitioner to get DTCP approval and thereafter, issued a passed an order dated 08.12.2020 stating that the petitioner has not taken any steps for fixation of the guideline value for the past 4 years and returned the pending document dated 19.07.2016 to the petitioner, informing the petitioner to file appeal as against the said order dated 08.12.2020 before the fourth respondent, if so aggrieved.

3.2 The learned counsel for the petitioner further contended that when the petitioner has executed a sale deed dated 19.07.2016 for sale of the plot in the aforesaid layout and when the same was presented for registration as early as on 12.08.2016, which has been kept pending by the fifth respondent for the purpose of guideline value for a period of two years, which fact was fully known to the first respondent through the second respondent, who vide letter dated 22.05.2019 clearly stated that the fifth respondent has retained the sale deed dated 19.07.2016 unregistered, it is not fair on the part of the



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first respondent to reject the claim of the petitioner for regularization on the ground that the petitioner has not sold out any part of the land in the aforesaid layout.

3.3 The learned counsel for the petitioner further contended in similar way, it is not fair on the part of the fifth respondent to pass order dated 08.12.2020 declining to register the sale deed and return the same to the petitioner, by shifting the blame on the petitioner that the petitioner has not taken steps for getting DTCP approval; that ,when admittedly, the sale deed was retained by the fifth respondent for nearly two years without registering the same. Therefore, the learned counsel prays for quashing the impugned order and to

4. *Per contra*, Mrs.S.Anitha, the learned Special Government Pleader for the respondents would submit that the layout approved by Devakandanallur Village Panchayat is not an approved layout, therefore, under these circumstances, the petitioner filed an application seeking for regularization of the land in terms of the G.O(Ms.No.78 of 2017 dated 04.05.2017, the first respondent citing the reason that no plots were sold as



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on the date of approval to the cut off date 20.10.2016, rightly rejected the petitioner's claim for regularization by the impugned order. It is further contended that when no single plot was sold before the cutoff, the question of filing application seeking for regularization of land in terms of the Government Order dated 04.05.2017 would not arise, as, bar under Clause 3 of the said Government Order would operate against the petitioner.

4.1 It is her further contention that in the meantime, this Court W.P.No.19566 of 2015 vide an interim order dated 09.09.2016, directed the respondents/Registering Authority not to register any sale deed in respect of unapproved layout or any flats/building constructed in such plots; that when the said order was passed so as to prevent further development of unauthorized lay and conversion of agricultural areas for non-agricultural use, which came into effect from 20.10.2016, the order passed by the first respondent cannot be found fault with. Therefore, the learned Special Government Pleader would submit that the impugned order passed by the first respondent is legally sustainable and warrants no interference.



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5. I have given due consideration to the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader for respondents and perused the materials placed on record.

6. The subject land, more-fully described in the preamble portion of this order is an agricultural land. The petitioner has purchased the same from various vendors. The petitioner, being the owner of the aforesaid land, after such purchase, formed a layout and applied for NOC to the Tahsildar, Kodavasal Taluk and the Thasildar vide proceedings dated 19.12.2014 issued NOC. Thereafter, the petitioner applied for NOC from Devekankandanallur Village Panchayat, the said Panchayat Council passed a Resolution No.39 dated 31.01.2015 granting no objection for forming layout under the name and style, 'Ambujam Maniam Nagar' and selling the plot.

6.1 Thus, the petitioner after completing all such procedures relating alienation of plots, decided to sell a Plot, bearing No.26, measuring to an extent of 1000 sq.mt in S.No.140/7 to one Mala and also executed a Sale Deed vide Document No.P121 of 2016 dated 19.07.2016. However, when the said document was presented for registration before the fifth respondent,



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viz., the Sub Registrar, Thiruvavur on 12.08.2016, the same has been kept pending by the fifth respondent for want of guideline value of the property.

6.2 Thereafter, it appears that there was no communication from the fifth respondent nearly for two years, (i.e. between 12.08.2016 to 28.10.2018) and on 29.10.2018, the petitioner received a communication from the fifth respondent, whereby, the petitioner was called upon to get DTCP approval for the said layout. In the interregnum, the Government passed an order vide G.O.(Ms) No.78 of Country and Planning Department dated 04.05.2017, with one of the mandatory clauses, viz. Clause 3 stating that the layout promoters, who have sold any one or part of the plot in the aforesaid layout or executed the sale deed or registered the sale deed on or before 20.10.2016, are eligible for applying regularization. In this context, it would be apposite to refer to Clause 3 of the said Government Order, which reads as follows;-

“Clause 3 Cut-off date for considering regularization 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.



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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 subdivision 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.”

6.3 A reading of the above clause would make it clear that the plot holders or layout promoters, who seek for the benefit of the Government Order dated 04.05.2017, are supposed to have sold all plots or part of the plot under the unapproved layout on or before the cut-off date 20.10.2016.

6.4 There is no dispute on the aspect that the petitioner sold a plot in the aforesaid layout to one Mala and also executed a sale deed vide Document dated 19.07.2016, which is much prior to the cut-off date (20.10.2016, as stated in the Government Order). However, when the Sale Deed was presented for registration before the fifth respondent, the same was kept pending for the purpose of want of guideline value details.



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However, the petitioner, hoping that the sale deed would get registered at any point of time, has applied for availing the benefit of Scheme of Regularization of unapproved plots and layout as per the aforesaid Government Order by filing an application on 04.05.2018 before the first respondent and fixing the value of the land at Rs.100/- per sq.ft.

6.5 The first and second respondents while considering the application, asked the petitioner to furnish the copy of the sale deed, which is stated to have pending before the fifth respondent for registration. Thereafter, the second respondent also, during the course of processing the application, issued a letter to the first respondent seeking some clarification for giving approval under the regularization scheme, in which, the second respondent himself has clearly apprised the first respondent about the fact that the fifth respondent retained the sale deed dated 19.07.2016, which is presented for registration before him on 12.08.2016.

6.6 Thus, it is clear that the first respondent being abreast of the said vital fact of pendency of the sale deed remaining unregistered even after a lapse of 4 years, passed the impugned order dated 19.07.2019, rejecting the



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claim of the petitioner on the ground that the petitioner has not sold any of the plot in the aforesaid layout before the cutoff date (i.e 20.10.2016) fixed in the aforesaid Government Order dated 04.05.2017,

6.7 The fifth respondent is also totally unfair in passing the order dated 08.12.2020, thereby, returning the sale deed to the petitioner and advising the petitioner to challenge the said order dated 08.12.2020 before the fourth respondent, if so aggrieved, when admittedly, he kept the sale deed unregistered for years together.

6.8 Thus, at the one end, the first respondent cited the reason for rejection of the claim of the petitioner for regularization that the petitioner has not sold any one or part of the plot in the aforementioned layout. At the other end, the fifth respondent has cited the reason for non-registration of the sale deed on the ground that the petitioner has failed to get DTCP approval. Thus, the petitioner has been sandwiched between the first and fifth respondents for non-consideration of both his claims. Thus, the respondents 1 and 5 have failed to discharge their mandatory duty, and for the fault committed by them, the petitioner has now been put to severe hardship and



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irreparable loss.

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7. However, the vital aspect that is required to be looked into in the present case, is as to whether the unapproved layout was confirmed prior to the cutoff date 20.10.2016 fixed in the aforementioned Government Order, since the said aspect was not at all ventured into by the respondents before negating the petitioner's claim.

8. Though as per clause 3 of the G.O.(Ms) No.78 dated 04.05.2017, it is stated that '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; that 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, this Court is at loss to understand, as to how, the unapproved layouts, where a part or full number of plots that were sold through a registered sale deed as on 20.10.2016 is not recognized to be a part sold in future, but remains to be plot unapproved. Certainly, if the layout promoters intend to sell the balance portion of the



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plot subsequent to the cut-off fixed by the Government Order dated 04.05.2017, they are supposed to get approval under the Scheme. Had the said Government Order states that the number of plots sold through a registered sale deed as on 20.10.2016 are eligible for the scheme, then, the question as to whether the benefit available under the said Government Order would enure to the petitioner or not does not arise. Therefore, clause 3 of the said Government Order was introduced based on a wrong interpretation of law and without application of mind.

9. Admittedly, the Devekankandanallur Village Panchayat passed a Resolution No.39 dated 31.01.2015 granting no objection to the petitioner for forming layout and selling the plot. Thus, when the Panchayat Council granted approval to the petitioner for formation of a layout under the name and style, 'Ambuuam Maniam Nagar', the petitioner is fully eligible to avail the benefit of Regularization Scheme under the G.O.(Ms.)No.78 dated 04.05.2017, as, in terms of clause 3 of the said Government Order that condition that is required to be fulfilled by the layout promoters is that, an unapproved layout should have been confirmed by the Local Panchayat Body, in which case, they are are eligible to make application to avail the



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benefit of the scheme available under the said Government Order.

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10. Even otherwise, if the Court strictly goes by interpretation of the words contained under Clause 3 of the said Government Order, in the present case, it is noticed that one plot was sold by the petitioner as early as on 19.07.2016, but, for the fault, on the part of the fifth respondent, Sub Register, Thiruvaur in not registering the document immediately upon its presentation but kept the same in cold storage even after lapse of 4 years, the petitioner cannot be mulcted with any loss. Thus, this Court looking at from all angles, is of the view that the petitioner is entitled to relish the benefit of Regularization Scheme under the aforesaid Government Order.

11. Though the learned Special Government Pleader took refuge under the interim order passed by this Court in W.P.No.19566 of 2015 dated 09.09.2016 and stated that the respondents, viz., the Registering Authorities are hands-tied from registering any sale deed in respect of unapproved layout or any flats/building constructed in such plots, the said order is totally immaterial, since, subsequent to the said interim order, an amendment to Section 22-A of the Indian Registration Act was introduced and only after



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taking into consideration of the same, the Government Order dated 04.05.2017 was passed.

12. Thus, this Court considering the fact that the petitioner has been made to run from pillar to post for about 4 years for releasing the pending document by the fifth respondent and to get approval of regularization from the first respondent under the said Scheme, is inclined to quash the impugned order dated 19.07.2019 passed by the first respondent as the same is illegal, arbitrary and unsustainable for the reasons assigned in the preceding paras, viz para Nos.6.6 to 6.7 of this order.

13. Accordingly, the impugned order dated 19.12.2019 passed by the first respondent is hereby stands quashed. Consequently, the first respondent is directed to consider the claim of the petitioner and pass orders by regularizing the layout, namely 'Ambujam Maniam Nagar' situated at Devarkandanallur Village, Thiruvarur Taluk (Formerly Kodavasal Taluk) Thiruvarur District comprised in survey No. 148/1, 148/2, 140/4, 140/6, 140/7 & 140/10 in all admeasuring 3.48 Acres from and out of 5.86 Acres, within a period of eight weeks from the date of receipt of a copy of this order.



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14. In the result, this Writ Petition is allowed on the aforesaid terms.

No costs.

11.03.2026

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Index : yes/no

Neutral Citation : yes/no

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