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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31-08-2026

Pronounced on : 16-09-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WA Nos. 2881, 2882 & 2883 of 2025
and
CMP Nos. 23302, 23305 & 23291 of 2025

WA No.2881 of 2025

1. The District Registrar,
   Dharmapuri District.

2. The Sub Registrar
   Dharmapuri West, Dharmapuri District.

..Appellant(s)

Vs

Mohammed Junaith,
S/o.Abdul Nazar, Door.No.20, Ward No.29,
Duraisamy St, Dharmapuri Town, Dharmapuri Tk
and Dist.

..Respondent(s)

WA No. 2882 of 2025

1. The District Registrar,
   Dharmapuri District.

2. The Sub Registrar,
   Dharmapuri West, Dharmapuri District.

..Appellant(s)

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Vs

Vidhya,
W/o Eganathan,
Door No.4/744-A, Teachers Colony,
Vellagoundanpalayam,
Vennampatti Road,
Dharmapuri Taluk and District.

..Respondent(s)

WA No. 2883 of 2025

1. The District Registrar,
   Dharmapuri District.

2. The Sub Registrar
   Dharmapuri West, Dharmapuri District.

..Appellant(s)

Vs

Ramani,
W/o. Arumugam,
Door No.3 / 823-A,
Kaliyapatti Chetti Colony,
Ilakkiyampatti Panchayat,
Dharmapuri Taluk and District.

..Respondent(s)

WA No. 2881 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the Order dated 16.12.2024 made in WP.No. 38446 of 2024 and allow the above Writ Appeal.

WA No. 2882 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dt. 16.12.2024 made in W.P. No. 38448 of 2024

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WA No. 2883 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dt. 16.12.2024 made in W.P. No. 38439 of 2024

For Appellant(s): in all appeals	Mr.Dominic Savio David Special Government Pleader
For Respondent(s): in all appeals	Mr.K.Kathiresan

Common Judgment

(Judgment of the Court was delivered by R.Rajesh Vivekananthan J.)

The present writ appeals have been filed by the respondents in the writ against the order dated 16.12.2024 passed in W.P.Nos. 38446, 38448 & 38439 of 2024.

2. The said Writ Petitions were filed under Article 226 of the Constitution of India seeking for the issuance of a Writ of Certiorarified Mandamus, which are as follows:

i) W.P.No.38439 of 2024: to call for the records relating to the impugned proceedings dated 19.7.2024 made in refusal check slip in RFL/Dharmapuri West/ 102/2024 issued by the 2nd respondent, quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the 2nd respondent to register the sale deed dated 19.7.2024 (TP/187808995/2024) presented by the petitioner;

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(ii) W.P.No.38446 of 2024: to call for the records relating to the impugned proceedings dated 19.7.2024 made in refusal check slip in RFL/Dharmapuri West/ 105/2024 issued by the 2nd respondent, quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the 2nd respondent to register the sale deed dated 19.7.2024 (TP/188525160/2024) presented by the petitioner (WP.No.38446 of 2024); and

(iii) W.P.No.38448 of 2024: to call for the records relating to the impugned proceedings dated 19.7.2024 made in refusal check slip in RFL/Dharmapuri West/ 103/2024 issued by the 2nd respondent, quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the 2nd respondent to register the sale deed dated 19.7.2024 (TP/187814914/2024) presented by the petitioner (WP.No.38448 of 2024).

3. The case of the respective petitioners are as follows :

The petitioner in W.P.No.38439 of 2024 purchased the property measuring an extent of 2,000 sq.ft. out of a total extent of 13,625 sq.ft. in S.No.506/2A measuring 0.06 cents, S.No.506/2B measuring 0.07 1/2 cents and S.No.506/2C measuring 0.22 cents situated at A.Jettihalli Village, Nallampalli Taluk, Dharmapuri District for a valid sale consideration from one Mr.R.M.Sankar through his power of attorney namely one Mr.S.Karthikeyan.

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The petitioner in W.P.No.38446 of 2024 purchased the property measuring 1,744 sq.ft. and the petitioner in W.P.No.33448 of 2024 purchased the property measuring 2,289 sq.ft. out of the said total extent of 13,625 sq.ft comprised in the said survey numbers. When the corresponding sale deeds dated 11.07.2024 were presented by the respective petitioner for registration, the second respondent refused to register the same. Hence the writ petitions.

4. The learned single Judge, after hearing the parties, allowed the writ petition on the ground that the other house sites adjacent to the house sites in dispute were registered under Section 22-A(2) of the Registration Act therefore, there is no impediment to register the sale deeds presented by the respective petitioner under Section 22-A(2) of the Registration Act. The learned single Judge while coming to the said conclusion has also observed that the respondents themselves fixed the guideline value with reference to the very same survey numbers as house sites. Hence, the learned single Judge set aside the refusal check slips and directed the 2nd respondent to register the sale deeds upon their representation. Aggrieved by the same, the present writ appeals are preferred by the appellants / respondents in the writ petition.

5. The learned Special Government Pleader appearing for the appellants would submit that the writ petitions were allowed at the admission stage itself without providing any opportunity for the appellants to file counter affidavit,

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which is in violation of the principles of natural justice. The properties in dispute were developed as unapproved lay out and the appellants rightly declined to register the said sale deeds under Section 22-A(2) of the Tamil Nadu Act 28 of 2012. He would submit that the unapproved plots could not be alienated after the cut off date of 20.10.2016 without obtaining regularisation approval from the competent authority. He has also relied upon the judgment of a Division Bench of this Court in ***Sub-Registrar, Salem Vs. D.Rajamanickam*** made in ***W.A.No.3192 of 2024 dated 06.10.2025,*** in support of his submission and prayed for allowing the appeal.

6. The learned counsel appearing for the petitioner in all the writ appeals would submit that one R.M.Sankar purchased the subject property measuring an extent of 35 ½ cents vide Document No:1528 of 2024 dated 13.03.2024 on the file of the Sub-Registrar Office, Dharmapuri West. Later, the said R.M.Sankar executed a registered general power of attorney vide Document No.3296 of 2024 in favour of his son, S.Karthikeyan. The petitioners in the respective writ petitions had purchased the property having an extent of 1744 Sq.ft., 2289 Sq.ft., & 2,000 Sq.ft. Since they presented the documents along with their respective sale deeds, the 2nd appellants refused to register the respective sale deeds stating reason that the original title deed Document No.1528 of 2024 is agricultural land hence, it cannot be registered under Section 22-A & 22-A(2) of the Registration Act, 1908. The General Power of Attorney No.3296 of 2024

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has been registered as vacant site and mentioned extent as 13,625 Sq.ft. He would further submit that the said site was not registered as a house site *per se* G.O.Ms.No.123, Commercial Taxes and Registration J2 – Department dated 20.10.2016 and the present sale deed contains the Northern boundary as common way hence, it cannot be registered.

7. The learned counsel for the respondents would rely upon the letter dated 18.03.2020 issued by the Inspector General of Registration regarding the registration of unapproved plots. He relied upon the letter and stated that "Layout" means:

i) Division of land into plots exceeding 8 (eight) in numbers in Chennai Metropolitan Planning Area;

ii) Division of land into plots introducing a new road or street in areas other than Chennai Metropolitan Planning Area.

8. He relied upon the judgment of the Hon'ble Division Bench of this Court passed in ***W.A(MD).No.705 &706 of 2025*** dated ***22.04.2025*** to state that the said case is squarely applicable to this present writ appeal. The Hon'ble Division Bench of this Court in the above case relied upon the letter dated 18.03.2020 issued by the Inspector General of Registration. He had also filed documents which were registered with regard to the nearby survey numbers wherein, all the above nearby plots' sale deeds contained:

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"இதற்குண்டான மாமுல்போக்குவரத்து பாத்தியமும் இதர இதற்குண்டான சகல பாத்தியங்களும் சேர்ந்து பூராவும்."

The same wordings are contained in the present sale deeds also. Therefore, the same benefits should be extended to the respondents herein also.

9. He would further submit that the vendors of the sale deeds have not created any new road or pathway as per the letter of the Inspector General of Registration dated 18.03.2020 and therefore, there is no impediment to the appellants to register the respective sale deeds. Hence, he sought for dismissal of the writ appeals.

10. The learned counsel for the appellant brought the attention of this Court to the boundaries recited in the documents. In the sale deed Document No.1528 of 2024 purchased by R.M.Sankar, the Northern side boundary has been mentioned as property of Palaniammal and Sudamani. In the General Power of Attorney executed by the R.M.Sankar, the Northern boundary has been mentioned as the way was left by RM Sankar. The said R.M.Sankar, through his power agent executed the respective sale deeds to the respective petitioners wherein, the northern side boundary has been mentioned as common way.

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11. We have heard the learned counsels appearing for both sides and perused the records, documents and the judgment relied upon by the respective parties.

12. On careful perusal of the general power of attorney deed, Document No. 3296 of 2024, out of 35.50 cents, it was executed for 31.25 cents alone. No reason for the reduction of the extent has been given by the respondent herein. It shows that the said Mr.R.M.Sankar had left a common way from the total extent of the property and that amounts to the creation of a new road that has been suppressed by the respondent.

13. It is necessary to consider the relevant provisions in Section 22-A(2) of the Registration Act, 1908 and Rule 2, Sub-Rule 8 & Rule 3 of the Tamil Nadu Regularisation of Unapproved Plots and Layouts Rules, 2017.

i) Section 22-A(2) of the 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."*

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ii) Rule (2) Sub-Rule (8) of the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017:

(2)(8)"Layout" means,

i) Division of land into plots exceeding 8 (eight) in numbers in Chennai Metropolitan Planning Area;

ii) Division of land into plots introducing a new road or street in areas other than Chennai Metropolitan Planning Area.

iii) Rule 3 of the Tamil Nadu Regularisation of Unapproved Plots and Plots Rules, 2017:

"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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14. We have also perused the letter issued by the Inspector General of Registration dated 18.03.2020 along with the letter of the Principal Secretary to Registration Department dated 16.03.2020.

15. Section 22-A(2) expressly bars the registration of a transfer of ownership of land converted as house sites without the permission of the planning authority for development of such land unless such house sites have been previously registered as house sites. Rule 3 of the Tamil Nadu Regularisation of Unapproved Layout and Plot Rules, 2017 prescribes a cut off date and the eligibility to consider the unapproved layouts and plots for registration. As per the said Rule, the cut off date is 20.10.2016. Admittedly, the house sites in question under these writ appeals were not granted permission by the planning authorities and they were not sold as house sites prior to the cut off date. The respondents would contend that 22-A(2) does not apply to their case, for that, he relied upon the letter dated 18.03.2020 issued by the Inspector General of Registration and also relied upon the judgement passed by the Division Bench of this Court in ***WA (MD) Nos.705 and 706 of 2025*** dated ***22.04.2025***. The letter issued by the Inspector General of Registration dated 18.03.2020 along with the letter of Principal Secretary to Registration Department dated 16.03.2020 gave a clarification to the plots which are not covered under the Rule 2(8) definition of “Layout” as described in Tamil Nadu

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Regularisation of Unapproved Layouts and Plots Rules 2017. The properties are not situated in the Chennai Metropolitan Planning area and hence, do not come under Rule 2(8)(i) of the Tamil Nadu Regularisation of Unapproved Plots and Layouts Rules, 2017. As mentioned in paragraph 12, since new road has been formed, it will not fall under 2(8)(ii) of the Tamil Nadu Regularisation of Unapproved Plots and Layouts Rules, 2017.

16. The judgement of the Division Bench of this Court in ***WA (MD) Nos.705 and 706 of 2025*** relied upon by the learned counsel for the respondent is not applicable to the case on hand. Admittedly, in the above case, no new road has been formed. But, in the case on hand, as stated above, a common way on the Northern side has been formed. For the same reason, the letter dated 18.03.2020 issued by the Inspector General of Registration is not applicable. As rightly pointed out by the counsel for the appellants, the division of land into plots by introducing a new road or street requires regularisation of such house sites. Only in the General Power of Attorney, the land has been mentioned in square feet. Admittedly, the house sites in question in this writ appeals have not been regularised.

17. The learned counsel for the respondent would make another submission that the registration department itself classified the land as

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residential Class-II, Type-III for the purpose of fixing the guideline value. The said argument seems attractive, but it is a settled proposition that the classification by the registration department for fixing the guideline value is for the purpose of collecting revenue. That will not take away the bar prescribed under the statutory provisions and rules. The house sites in question in these appeals are not regularised, hence, the second appellant has rightly refused to register the respective sale deeds, which were presented for registration by the respective respondents and petitioners by issuing refusal check slip dated 19.07.2024. The order of the learned single Judge has been passed against the Section 22-A(2) of the Registration Act 1908 and the same cannot be sustained in the eye of law and it is liable to be interfered.

18. In view of the above, this Court finds no infirmity or illegality in the order passed by the second appellant. Hence, these Writ Appeals are allowed. The order dated 16.12.2024 passed by the learned single Judge in the Writ Petitions are hereby set aside. No costs. Consequently, connected miscellaneous petitions are closed.

(A.Q.,J.) **(R.R.V.,J.)**
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Neutral Citation: Yes
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ABDUL QUDDHOSE J.
AND
R.RAJESH VIVEKANANTHAN J.

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To

1. The District Registrar,
   Dharmapuri District.

2. The Sub Registrar
   Dharmapuri West, Dharmapuri District.

WA Nos. 2881, 2882 & 2883 of 2025

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