

W.P.(MD) No.18569 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2026

CORAM

**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**W.P.(MD) No.18569 of 2026**

and

**W.M.P.(MD) No.13744 of 2026**

Aneesha

... Petitioner

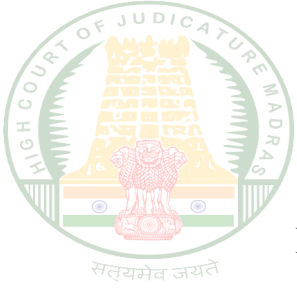
Vs.

1.The Sub-Registrar,  
Eraniel Sub Registrar Office,  
Kanyakumari District.

2.Jose Christopher

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the impugned refusal check slip under Refusal No.RFL/ Eraniel /324/2026 passed by the first respondent dated 22.06.2026 and to quash the same as illegal and further to direct the first respondent to register the sale deed dated 19.06.2026 executed by the petitioner relating to the landed properties having extent of 13.050 Cents comprised in New S.No. 267/14A1, situated at now Kuruthankodu A Village, Kalkullam Taluk, Kanyakumari District.



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For Petitioner

: Mr.B.Micheal Sebastin

: Mr.S.Venkatesh

Counsel for Government of Tamilnadu

### **ORDER**

The petitioner, who is seller, is before this Court challenging the impugned Refusal Check Slip dated 22.06.2026, whereby the first respondent declined to register the Sale Deed dated 19.06.2026 presented by the transferee, namely, M.Jose Christopher, in respect of land measuring an extent of 13.050 cents comprised in New Survey No. 267/14A1, situated in Kuruthankodu 'A' Village, Kalkulam Taluk, Kanyakumari District.

2. The reasons stated in the impugned Refusal Check Slip dated 22.06.2026 are extracted hereunder:

“தங்களால் இன்று பதிவுக்கு தாக்கல் செய்யப்படும் ஆவணமானது திருமதி.அனீஷா என்பவருக்கு பாத்தியப்பட்ட குருந்தன்கோடு ஏ வில்லேஜ் புதிய சர்வே எண் 267/14-ல் உட்பட்ட 13.199 சென்று மனையாகும். மேலும் வில்லங்கச்சான்று பரிசீலனையில் பிரஸ்தாப சொத்து திரு.பிரான்ஸிஸ் என்பவருக்கு ஆவண எண் 2496/1994 மூலம் பாத்தியப்பட்ட 62 சென்று விவசாய நிலமாகும். இதனை அவர் முறையே

| வ.எண் | ஆவண எண்  | விஸ்தீரணம் | குறிப்புரை               |
|-------|----------|------------|--------------------------|
| 1     | 181/2016 | 6.2 சென்று | தங்கள் மனை தெற்கு - பாதை |



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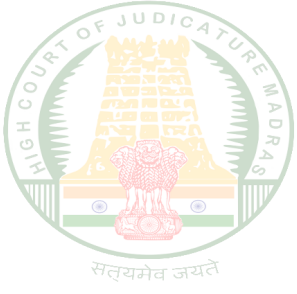


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|   |           |                                                    |                           |
|---|-----------|----------------------------------------------------|---------------------------|
| 2 | 366/2016  | 4.4 சென்று                                         | வடக்கு, கிழக்கு<br>- பாதை |
| 3 | 429/2016  | 10.285 சென்று                                      |                           |
| 4 | 537/2016  | 4.455 சென்று                                       |                           |
| 5 | 844/2016  | 5.555 சென்று                                       |                           |
| 6 | 845/2016  | 5.570 சென்று                                       |                           |
| 7 | 1702/2016 | 4.415 சென்று                                       |                           |
| 8 | 3147/2022 | அ)4.6 சென்று<br>பி) 3.5 சென்று<br>சி)13.199 சென்று |                           |

வரிசை எண் 8-ல் சி அட்டவணையில் 13.1999 சென்று சொத்தை பெற்ற தாங்கள் தற்பொழுது மீண்டும் ஆவணத்தினை பதிவுக்கு தாக்கல் செய்துள்ளீர்கள். 62 சென்று விவசாயநிலத்தினை எவ்வித வரன்முறைப்படுத்தாமல் மனையாக மாற்றப்பட்டுள்ளது. இது மாண்புமிகு உயர் நீதிமன்ற ஆணை எண் WP 19566/2015 -ன் படியும் மற்றும் பதிவு சட்டம் பிரிவு 22A(2) க்கு முரணாக உள்ளது.

மேலும் இது தொடர்பான நீதிமன்ற ஆணைகளில் ஒரு ஆணை எண் WA.No.3192/2024, Sub Registrar Vs Raja manickam வழக்கில் "The subject property is a house site. Thus Section 22A(2) must be applied during verification of the document before registration. The provision clause stipulates that approval of house site from the competent authority is mandatory and present the document for registration' மற்றும் மதுரை உயர் நீதிமன்ற ஆணை எண் W.P. MD No.29522 of 2025 and W.P. MD No. 22834 of 2025 என்ற வழக்கிலும், Section 22A(2) of the Act will come into play only if the subject matter of the instrument is a house site. If the land owner sells a piece of agricultural Land, it would not attract the prohibitory sweep of Section 22A(2) of the Act "When the property is admittedly a house site and it attracts Section 22A(2) the rigous cannot be mitigated or offset by filling an undertaking affidavit", என்று பல்வேறு நீதிமன்ற ஆணைகளிலும் அங்கீகரிக்கப்படாத வரன்முறை படுத்துதல் தொடர்பாக ஆணையிடப்பட்டுள்ளது.



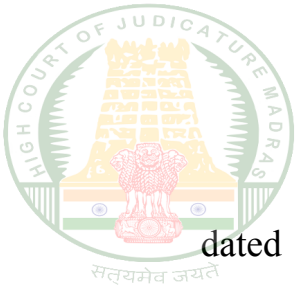
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மேற்கண்ட நீதிமன்ற உத்தரவுகளின்  
அடிப்படையிலும் பதிவுச்சட்டம் 22A(2)-ன்  
அடிப்படையிலும் அங்கீகாரமற்ற மனையிடமாக  
மாற்றப்பட்ட இடத்திற்கு உரிய வரன்முறை ஆணை  
பெற்று ஆவணத்தை மீள சமர்ப்பிக்க கோரப்படுகிறார்கள்.”

3. It appears that the property in question is an unapproved layout. Therefore, the registration of the the Sale Deed dated 19.06.2026 would be clearly contrary to Section 22-A of the Registration Act, 1908, as inserted by Tamil Nadu Act No.28 of 2012, dated 21.06.2012, with effect from 20.10.2016.

4. Taking note of a piquant situation arising out of the strict implementation of Section 22-A of the Registration Act, 1908, this Court, in its order dated 28.04.2026 in W.P.(MD) No.3111 of 2026 in the case of ***P.Chellakily vs. The Sub-Registrar, O/o. The Sub-Registrar, Kottaram, Agastheeswaram, Kanyakumari District – 629 703***, recognized the constitutional right to property enshrined under Article 300-A of the Constitution of India and directed the claimant, in whom title vests under the document, to execute an affidavit containing the requisite undertaking and to comply with the further conditions stipulated in the said order



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dated 28.04.2026 in W.P.(MD) No.3111 of 2026, which are extracted

WEB COPY hereunder:

- i. The impugned order shall stand set aside.
- ii. The claimant under the document refused for registration, in whose name the property vests, shall execute a duly notarised affidavit in four sets and file one set before this Court within a period of four weeks from the date of receipt of the web copy of this Order. Only upon filing of the same, a certified copy of this Order shall be issued to the petitioner.
- iii. Along with the certified copy of the Order of this Court, the petitioner will be entitled to represent the document along with three sets of affidavits.
- iv. Upon representation, the document shall be registered if there is no other impediment.
- v. Along with the document, the affidavit filed shall also be scanned and uploaded.
- vi. The two other sets shall be dispatched to the local authority and the jurisdictional Assistant Engineer of TANGEDCO concerned, who shall at all times consider the aforesaid undertaking and act accordingly.



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vii.If the petitioner fails to file an affidavit as directed within four weeks of receipt of the web copy of this Order, the writ petition shall stand dismissed. Consequently, connected miscellaneous petition is closed.

viii.No costs.

5. The requisite undertaking, which has to be contained in the affidavit, is as follows:

"I/We, ....., S/o. / D/o. / W/o. / H/o. G/o. ...., residing at ....., hereby undertake that I/We will not use the property as a residential or commercial site or for any other purpose involving a change of user unless due permission is obtained from the planning authority. Without such approval, I/We will not develop the site by changing its use or put up any residential or commercial building. I/We am/are aware that I/We may be liable for punishment for contempt of Court in the event of violating this undertaking. I/We am/are also aware that I/We shall not be entitled to claim electricity, water, sewerage or any other connection or service from the local authority or any other authority unless the due conversion is effected in accordance with the permission granted by the planning authority."



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6. If the transferee agrees with the above stipulation, I see no reason

to take a different view in the matter.

7. Accordingly, the impugned Refusal Check Slip is quashed and this Writ Petition stands disposed of, subject to the above stipulation. It is further made clear that the transferee, namely, M.Jose Christopher shall not put up any construction without obtaining approval from the planning authority for conversion of the site for residential or commercial use, in accordance with law. In case any such construction is put up, the authorities under the relevant statute are entitled to proceed against the transferee, M.Jose Christopher, in accordance with law. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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JEN

NCC : Yes / No

Index : Yes / No

To

The Sub-Registrar,  
Eraniel Sub Registrar Office,  
Kanyakumari District.



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**C.SARAVANAN, J.**

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