



W.P.(MD) No.18919 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.18919 of 2026

C.Iyyappavel

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
Registration Department,
Thoothukudi District - 628 602.

3.The Sub-Registrar,
Udangudi Sub-Registration Office,
Thoothukudi - 628 203.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the third respondent pertaining to the impugned Refusal Check Slip No.RFL/Udankudi/11/2026 dated 02.03.2026 and quash the same as being illegal, arbitrary and non est in law and consequently, direct the third respondent to entertain, process and register the Settlement Deed presented by the petitioner in respect of the property measuring an extent of 4 Cents (161.86 Sq. Meters), situated at Kalankudiyiruppu Village, comprised in Survey No.114/10, without insisting upon the physical production of the original parent document.



WEB COPY



W.P.(MD) No.18919 of 2026

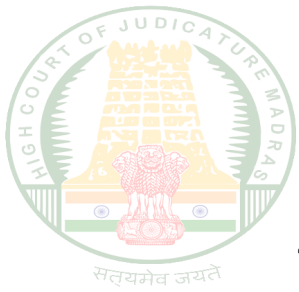
For Petitioner : Mr.J.Kiruthin
For Respondents : Ms.P.Sudarkodi Natchiyar
Government Standing Counsel

ORDER

The petitioner is before this Court challenging the impugned Refusal Check Slip No.RFL/Udankudi/11/2026 dated 02.03.2026 issued by the third respondent, whereby registration of the Settlement Deed presented by the petitioner on 02.03.2026 was declined.

2. The impugned Refusal Check Slip states that the document cannot be registered in view of Sections 34-C and 22-A(2) of the Registration Act, 1908.

3. Insofar as Section 34-C of the Registration Act, 1908 is concerned, the said provision has been declared unconstitutional by the Hon'ble Division Bench of this Court in **M/s.Dugars vs. The State of Tamil Nadu, represented by its Secretary to Government, Registration Department and Others**, by judgment dated 23.06.2026 rendered in W.P.(MD) No.7415 of 2026 etc. batch, wherein Section 34-C of the Registration Act, 1908, as inserted by the Registration (Tamil Nadu Amendment) Act, 2026, was declared *ultra vires* and struck down.



W.P.(MD) No.18919 of 2026

4. Insofar as the applicability of Section 22-A(2) of the Registration

Act, 1908 is concerned, this Court, while taking note of the piquant situation arising from the strict implementation of Section 22-A of the Act, in its order dated **28.04.2026** passed in **W.P.(MD) No.3111 of 2026** (P.Chellakily v. The Sub-Registrar, O/o. The Sub-Registrar, Kottaram, Agastheeswaram, Kanyakumari District – 629 703), recognised the constitutional right to property guaranteed 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 therein. The relevant portions of the said order are extracted 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.



WEB COPY



W.P.(MD) No.18919 of 2026

v. *Along with the document, the affidavit filed shall also be scanned and uploaded.*

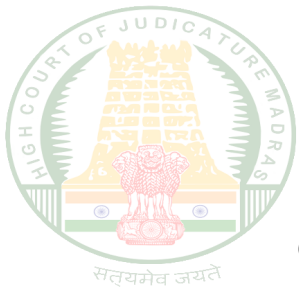
vi. *The two other sets shall be dispatched to the local authority and the jurisdictional Assistant Engineer of TANGEDCO concerned, who shall at all times consider the aforesaid undertaking and act accordingly.*

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 to be incorporated in the affidavit is extracted hereunder:

"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."



W.P.(MD) No.18919 of 2026

6. If the transferee is willing to abide by the above stipulation and furnishes the requisite undertaking by way of an affidavit, this Court sees no reason to take a different view in the matter.

7. Accordingly, the impugned Refusal Check Slip dated 02.03.2026 bearing Reference No.RFL/Udankudi/11/2026 is quashed, and the Writ Petition stands disposed of, subject to the aforesaid stipulation. It is made clear that the transferee shall not put up any construction on the property without obtaining the requisite approval from the competent planning authority for conversion of the site for residential or commercial use, as the case may be, and in accordance with law. If any construction is put up in violation of the above condition or the applicable statutory provisions, it is open to the authorities concerned to initiate appropriate action against the transferee in accordance with law. There shall be no order as to costs.

NCC : Yes / No
smn2

10.07.2026

To

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.



W.P.(MD) No.18919 of 2026

2.The District Registrar,
Registration Department,
Thoothukudi District - 628 602.

3.The Sub-Registrar,
Udangudi Sub-Registration Office,
Thoothukudi - 628 203.



WEB COPY



W.P.(MD) No.18919 of 2026

C.SARAVANAN, J.

smn2

W.P.(MD) No.18919 of 2026

10.07.2026