

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2026

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THE HON'BLE MR JUSTICE C. SARAVANAN

WP(MD) No. 18606 of 2026

and

WMP(MD) Nos.13768 & 13769 of 2026

Mohamed Abubacker

..Petitioner(s)

Vs

1.The District Registrar,
Palayamkottai Registration District,
Tirunelveli.
2.The Sub Registrar,
Melapalayam Sub-Registrar Office,
Tirunelveli.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the 2nd Respondent in Na.Ka.No.1-4/2026 dated 23.02.2026 and quash the same as illegal and consequently direct the Respondent to register the sale deed dated 07.10.2024 in respect of the land in Survey No.25/1 to the extent of 3.40 Cents land out of 1 Acre 48 Cents House sites situated in Fathima Nagar, Melappalayam Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner(s):

Mr.K.Navaneetharaja

For Respondent(s):

Mr.R.Parthiban

Counsel for the State of Tamilnadu, for R1 & R2



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ORDER

The Petitioner is before this Court against the impugned Refusal Slip dated 23.02.2026. It appears that the Petitioner had earlier presented a document for registration of a Sale Deed on 07.10.2024 and it was kept pending. Thereafter, the Petitioner approached this Court in W.P(MD).No. 4041 of 2025, which came to be ordered on 08.08.2025. By the said order, the Court directed the official Respondent to consider and register the Petitioner's Sale Deed dated 07.10.2024, which was kept pending if it was in accordance with law.

2. Pursuant to which the impugned Refusal Slip dated 23.02.2026 is now been issued invoking Section 22-A of the Registration Act, 1908 as inserted by the Tamil Nadu Act 2 of 2009 which came into force on the 20th day of October, 2016.

3. As per Section 22-A(2) of the Registration Act, 1908, a Registering Officer shall refuse to register any document/instrument relating to transfer of ownership of land converted as house sites without permission for development of such land from the concerned Planning Authority.



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4. The specific case of the Petitioner is that there was an earlier Settlement Deed registered as Document No.366 of 2020 dated 22.01.2020, as per which the property has been shown as the house property.

5. That apart, the learned counsel for the Petitioner would also place reliance on the decision of this Court in W.P(MD)No.23651 of 2024 dated 03.10.2024 rendered in **Tajunnisa Vs. The District and Another**, wherein this Court was pleased to hold that where the same house site has already been registered earlier, the provisions of Section 22-A(2) would not operate as a bar for registration. The observation made by this Court in the above said case is extracted hereunder:-

“4.At the outset, mere pendency of disciplinary proceedings against the authority is not a ground for refusal. Section 22-A(2) relates to the transfer of ownership of lands converted to house sites without permission for the development of such land by the planning authority. In such cases, the only exception is where it is shown that the same house site is previously registered as a house site, in which case there is no bar for registration. The very Section is applicable in the case on hand, since the petitioner’s principal has already sold the subject land as house site and in this regard, document has also been registered



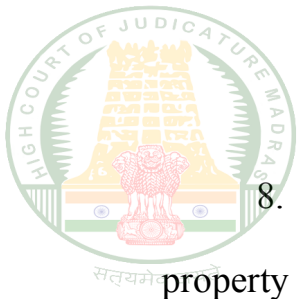
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5. In view of the above, the reason for refusal cannot be sustained in the eye of law. Accordingly, the impugned refusal check slip in Refusal Number: RFL/Kadayam/54/2024, dated 26.09.2024, passed by the respondent is hereby quashed and this Writ Petition is allowed. The respondent is directed to register the petition mentioned document within a period of seven days from the date of receipt of a copy of this order. No costs."

6. Having perused the impugned Refusal Slip and having considered the submissions of the learned counsel for the Petitioner and the learned counsel for the Respondent and the order of this Court dated 03.10.2024 in W.P(MD)No.23651 of 2024, I am of the view that the Petitioner cannot take advantage of the mistakes committed in the previous document namely Settlement Deed dated 22.01.2020 recording that the property in question was a house property on the date of the registration of the aforesaid document itself.

7. Section 22-A of the Registration Act, 1908, was in the statute with effect from 20.10.2016 and in other words, on the date of the registration of previous document on 22.01.2020, the previous entry also ought to have shown the property as a house property. There are however no records to substantiate the same.

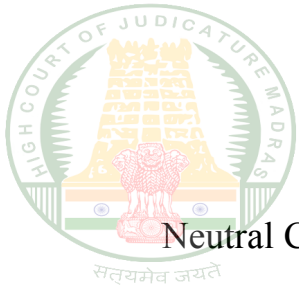


8. However, at the same time, the inalienable constitutional right to property under Article 300-A of the Constitution of India has been recognised by this Court *vide* order dated 05.06.2026 in W.P(MD) No.14999 of 2026 in **Eswari Vs. The District Registrar and other**, wherein the Court has directed the Respondents to register the document subject to the Petitioner executing an affidavit of undertaking not to construct commercial or a housing property without obtaining regularisation, subject to Petitioner complying with the above stipulation. I find no reasons to deviate from the said decision.

9. Considering the above, I direct the Respondents to register the Sale Deed dated 07.10.2024. The Respondents shall intimate the Jurisdictional Local Authorities, as also the Electricity Board that no permission/connection or any property tax assessment for housing or a commercial property shall be given / issued without Petitioner obtaining regularisation from the concerned Jurisdictional Authority for putting up the construction in the property.

10. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.07.2026



Neutral Citation: Yes/No

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To:

- 1.The District Registrar,
Palayamkottai Registration District,
Tirunelveli.
- 2.The Sub Registrar,
Melapalayam Sub-Registrar Office,
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C.SARAVANAN, J.

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