

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.18643 of 2026

D.Durairaj

..Petitioner(s)

Vs

1.The District Registrar,
Department of Registration,
Tirunelveli, Tirunelveli District.

2.The Sub Registrar,
Sub Registrar's Office,
Radhapuram, Tirunelveli District.

3.Chandrasekar James,
S/o.Thangaraj,
Door No.O/A1, Amman Temple Street,
Idayanvilai, Vetoornimadam,
Agasteeswaram,
Kanyakumari District.

..Respondent(s)

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 dated 02.06.2026 under Reference No.RFL/Radhapuram/ /2026 on the file of the 2nd Respondent and subsequently quash the same as illegal and erroneous and consequently direct the 2nd Respondent to register the Sale Deed bearing No.TP/274487636/2026 in relation to the property bearing Survey No.309/2A2 situated at Chettikulam



Village, Radhapuram Taluk, Tirunelveli District measuring to an extent of 10 cents as presented by the Petitioner forthwith.

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For Petitioner(s): Mr.S.Palanivelayutham

For R1 and R2 : Ms.P.Sudarkodi Natchiyar
Counsel for the state of Tamil Nadu

ORDER

The Petitioner is before this Court against the impugned Refusal Check Slip dated 02.06.2026 bearing Reference No.RFL/Radhapuram/43/2026, issued by the second respondent declining to register the Sale Deed dated 02.06.2026 in view of the restrictions under Section 22-A(2) of the Registration Act, 1908.

2. It appears that the property in question is an unapproved layout. Therefore, the registration of the the Sale Deed dated 02.06.2026 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.

3. 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 dated 28.04.2026 in W.P.(MD) No.3111 of 2026, which 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.
- 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



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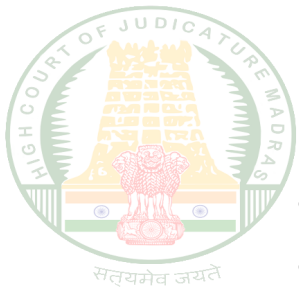
the jurisdictional Assistant Engineer of TANGEDCO concerned, who shall at all times consider the aforesaid undertaking and act accordingly.

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.

4. 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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5. If the petitioner / transferee agrees with the above stipulation, I see no reason to take a different view in the matter.

6. 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 petitioner / transferee shall not put up any construction without obtaining approval from the competent planning authority for conversion of the site for residential or commercial use, in accordance with law. In the event of any such construction being put up without the requisite approval, the authorities under the relevant statute shall be at liberty to proceed against the transferee in accordance with law. It is also the responsibility of the official respondents to inform the concerned authorities not to grant any planning permission, building approval, utility service connection, or property tax assessment in respect of any residential or commercial development unless and until the petitioner/transferee obtains the necessary approval, regularisation, or authorisation of the plots from the competent jurisdictional local authority, in accordance with law. There shall be no order as to costs.



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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

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C.SARAVANAN, J.

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