

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-07-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP(MD) No. 20933 of 2026

M.Aruldas
S/o.Muthaiyan,
No.12-78B/5, Swamyvilai,
Pandarakulam,
Mekkamandapam,
Kalkulam,
Kanyakumari district.

..Petitioner(s)

Vs

The Sub Registrar
Thuckalay,
Kanyakumari District.

..Respondent(s)

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Check Slip issued by the respondent in Refusal Number. RFL/Thuckalay/175/2026 dated 25.06.2026 and quash the same as illegal and consequently direct the respondent to register the document presented by the petitioner with regard to the property comprised in survey Number. 344/11A, measuring 4 cents situated at Thuckalay Village, Kalkulam Taluk, Kanyakumari District, within a time frame fixed by this Hon'ble Court and pass such further or other orders as this Hon'ble court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner(s): Mr.R.J.Karthick

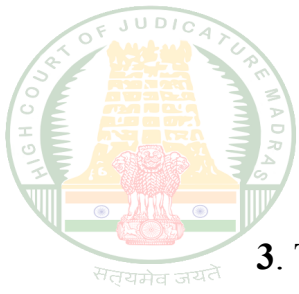
For Respondent(s): Mr.R.Parthiban
Counsel for the State of Tamil Nadu



ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned Refusal Check Slip issued by the respondent dated 25.06.2026 and consequently, to direct the respondent to register the document presented by the petitioner with regard to the property comprised in S.No.344/11A, measuring 4 cents, situated at Thuckalay Village, Kalkulam Taluk, Kanyakumari District, within a time frame to be fixed by this Court.

2. The learned counsel appearing for the petitioner submitted that the property comprised in Survey No.344/11A, measuring an extent of 4 cents, situated at Thuckalay Village, Kalkulam Taluk, Kanyakumari District, originally belonged to one Jaba Rani, wife of Selva Kumar, by virtue of a Sale Deed registered as Document No.81 of 2021, dated 08.01.2021. It was submitted that Jaba Rani had constructed a residential house on the said property and had also obtained an electricity service connection. Owing to financial constraints, she executed a Sale Deed dated 25.06.2026 in favour of the petitioner and presented the same for registration before the respondent along with the requisite registration charges. However, the respondent refused to register the document and issued the impugned Refusal Check Slip dated 25.06.2026.



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3. The learned counsel further submitted that there is no dispute regarding the title of Jaba Rani over the subject property. The sole reason assigned by the respondent for refusing registration is that the land had allegedly been converted into house plots without obtaining layout approval and, therefore, registration was barred under Section 22A(2) of the Registration Act, 1908. It was contended that the property is an existing residential house site with a constructed dwelling house and electricity service connection, and therefore, the provisions of Section 22A(2) of the Registration Act have no application. The learned counsel further submitted that the direction requiring the petitioner to produce a final approval order for the land is wholly untenable in the facts of the present case. Accordingly, he prayed for quashing the impugned Refusal Check Slip.

4. Per contra, the learned Standing Counsel appearing for the respondent submitted that, as per the revenue records, the property is classified as "Punjai" (dry land). However, the document presented for registration describes the property as a house site, for which no layout approval had been obtained from the competent authority. Therefore, the respondent was justified in issuing the impugned Refusal Check Slip and sought dismissal of the Writ Petition.

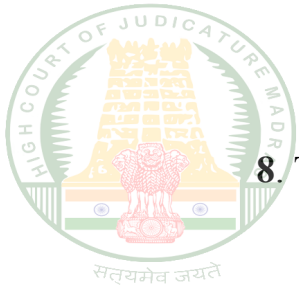


5. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

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6. The facts of the case are not in dispute. Admittedly, Jaba Rani is the owner of the property comprised in Survey No.344/11A, measuring 4 cents, situated at Thuckalay Village, Kalkulam Taluk, Kanyakumari District. It is also not in dispute that she had constructed a residential house on the property and obtained an electricity service connection. Owing to financial constraints, she executed the Sale Deed in favour of the petitioner, which was refused registration solely on the ground that the property was described as a house site and that Section 22A(2) of the Registration Act, 1908 was attracted.

7. This Court is of the considered view that the refusal is unsustainable. Since the subject property already contains a residential house and the vendor is the admitted owner thereof, the provisions of Section 22A(2) of the Registration Act, 1908 are not attracted to the facts of the present case. Accordingly, the impugned Refusal Check Slip dated 25.06.2026 is quashed. The respondent is directed to receive the Sale Deed, entertain the same for registration, and complete the registration process, if it is otherwise in order and complies with the requirements of the Registration Act and the Rules made thereunder, without insisting upon production of any layout approval, within the time prescribed under law.



8. The Writ Petition stands disposed of accordingly. No costs.

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24-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Sub Registrar
Thuckalay,
Kanyakumari District.



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M.DHANDAPANI, J.

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