



W.P(MD)No.14138 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.05.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.14138 of 2026

Anni Sahaya Shoba

... Petitioner(s)

Vs.

The Sub Registrar,
Kottaram Sub Registrar Office,
Kottaram,
Kanyakumari District.

... Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned refusal check slip issued by the respondent in RFL/Kottaram/98/2026, dated 07.05.2026 and to quash the same as unconstitutional and illegal, consequently directing the respondent to register the sale deed document dated 07.05.2026 forthwith and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.



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For Petitioner : Mr. R.Senthil Kumar
For Respondent : Mr.J.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed challenging the refusal check slip dated 07.05.2026 issued by the respondents whereby the registration of a sale deed dated 07.05.2026 was refused on the ground that the subject land is an unapproved plot comprised in Survey No. 97/10A1, measuring an extent of 404 Ares (10 cents), situated at Kottaram Village, Agastheeswaram Taluk, Kanyakumari District.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The subject property was originally owned by one Glory Sheila Kumar, from whom the petitioner's vendor had purchased the property by a registered sale deed dated 19.01.2024 vide Document No.288/2024. After purchase, the entire revenue records were mutated in the name of the petitioner's vendor and



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he was also issued Patta No.5002. According to the petitioner, the subject property is an agricultural vacant site. The petitioner, in turn, purchased the said property and the petitioner's vendor executed a sale deed in favour of the petitioner dated 07.05.2026, which was presented for registration before the respondents. However, it was refused for registration and a refusal check slip was issued on the ground that no proper approval had been obtained from the competent authority in respect of the subject property.

4. Similar issue has already been dealt with by this Court and as such, the reason for refusal of registration is no longer *res integra*. This Court, in W.P. (MD) No. 3111 of 2026, dated 28.04.2026, held as follows:

“2. In such cases, the matter is no longer *res-integra* and is governed by the Judgement of this Court in ***Sankarakumar & another -Vs- The Sub-Registrar, Panpozhi*** (W.P.(MD) No.29522 of 2025). This Court considered the purport of Section 22-A(2), the need to balance the Constitutional Right of the owners of the property under Article 300-A with the enforcement of development control legislation and the rules framed thereunder. It held that, irrespective of the location of the land, if the executant and the claimant of the document express an intention to use the property as such, without converting its nature, then, irrespective of the size of the land, boundary, abutting a pathway/road, etc., the



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document shall be registered, on condition that affidavits in four sets be executed and filed before this Court, the Sub- Registrar, the local body and the TANGEDCO. It is made clear that the party breaching the undertaking will also be liable for contempt of this Court, in addition to other actions.

3. The affidavit containing the following undertaking shall be executed by the claimant in whose favour the title vests under the document:

"I undertake not to use the property as a residential/commercial site or such other change of user, unless due permission is obtained from the planning authority. Without due approval, I will not develop the site by changing its use, and will not put up any residential or commercial building. I am aware that I may be liable to punishment for contempt of Court for violating this undertaking. I am also aware that I will not be entitled to claim electricity connection or water, sewerage, and other connections or services from the local authority or any other authority unless due conversion is made as per the permission of the planning authority."

4. This writ petition is allowed on the following terms:

(i) The impugned order shall stand set aside.



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(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.

(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.

(viii) No costs.”



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5. In view of the fact that the issue raised in the present writ petition is squarely covered by the decision of this Court in W.P.(MD) No.3111 of 2026 dated 28.04.2026 and following the ratio laid down therein as extracted above, this Court is of the considered view that the impugned refusal check slip dated 07.05.2026 cannot be sustained and is liable to be set aside.

6. Accordingly, the impugned refusal check slip dated 07.05.2026 is set aside and the writ petition is allowed in terms of the order dated 28.04.2026. No costs.

13.05.2026

Index :Yes/No
Internet :Yes/No
PKN



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To: -

The Sub Registrar,
Kottaram Sub Registrar Office,
Kottaram,
Kanyakumari District.



WEB COPY



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G.K. ILANTHIRAIYAN, J.

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