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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE **K.KUMARESH BABU**

WP(MD) No. 29366 of 2025

CNR:{HCMD011446142025}

AND

WMP(MD) No. 22699 of 2025

Muthukumar

..Petitioner(s)

Vs

The Sub Registrar,
The Sub Registrar Office,
Melur East, Madurai 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 records pertaining to the impugned Refusal Slip in Refusal Number RFL/Melur East/45/2024 dated 20.12.2024 issued by the respondent and set-aside the same as illegal and further direct the respondent to register the petitioner's sale deed dated 19.12.2024 forthwith.

For Petitioner :Mr.P.Saravanan
For Respondent :Ms.M.D.Devi Saravana Priya
Additional Government Pleader

ORDER

This Writ Petition challenges the impugned refusal check slip. The document is refused registration under Section 22-A of the Registration Act, 1908, on the ground that the property is conveyed as a residential

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plot or for residential use without approval from the planning authority to convert the site into a residential one. In this case, the petitioner contends that the land is conveyed as such, without changing its use.

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, dated 17.04.2026].*** This Court considered the purport of Section 22-A(2) of the Act, 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 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.

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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;

(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;

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(iv) Upon representation, the document shall be registered if there is no other impediment;

(v)In the recitals of the document, the subject land should be mentioned as Nanjai or Punjai land instead of *Manai*.

(vi) Along with the document, the affidavit filed shall also be scanned and uploaded;

(vii) 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;

(viii) The said undertaking affidavit shall be filed along with the document to be registered and the same shall form part of the document so registered; and

(ix) No costs.

(x)Consequently, connected miscellaneous petition is closed.

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

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To

The Sub Registrar,
The Sub Registrar Office,
Melur East, Madurai District.

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K.KUMARESH BABU, J.
cmr

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