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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-10-2026

CORAM

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

WP(MD) No. 30568 of 2026

CNR:{HCMD011511352026}

Alex Brijit,
W/o.Mariya Iruthaya Jegal,

..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/டிகபட்டறம்/ 431/2026 dated 28.09.2026 and to quash the same as unconstitutional and illegal, consequently directing the respondent to register the sale deed document dated 28.09.2026 forthwith.

For Petitioner(s) : Ms.A.Mahalakshmi

For Respondent(s) : Mr.I.Pinaygash
Special Government Pleader

ORDER

This Writ Petition challenges the impugned refusal check slip. The document is refused registration under Section 22-A of the Registration

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Act, 1908 (hereinafter referred to as “the Act, 1908” for brevity) on the ground that the property is conveyed as a residential 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, 1908, the need to balance the Constitutional Right of the owners of the property under Article 300-A of the Constitution of India 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 affidavit in three sets be executed before 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 before the Sub Registrar concerned within a period of four weeks from the date of receipt of the web copy of this order;

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(iii) Along with the said affidavit, the petitioner will be entitled to re-present the document;

(iv) Upon such re-presentation, 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/Puraiyidam;*

(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 form part of the document so registered; and

(ix) No costs.

28-10-2026

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

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To

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

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K.KUMARESH BABU, J.

ABR

WP(MD) No. 30568 of 2026

28-10-2026

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