



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.18645 of 2026

S.S.Vijayrajesh

..Petitioner(s)

Vs

The Sub Registrar,
Sub Registrar Office,
Batlagundu,
Dindigul District.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the Respondent to register the sale deed dated 05.06.2026 in respect to the property in Survey No.1607/4, Devadhanapatti Village, Periyakulam Taluk, Theni District, on its presentation without insisting for missing certificate from police authorities for the lost document in Document No.1630 of 2002 dated 23.10.2002 on the file of Respondent, forthwith.

For Petitioner(s):

Mr.T.Antony Arulraj

For Respondent(s):

Mr.S.Venkatesh

Counsel for the state of Tamil Nadu



ORDER

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Heard the learned counsel for the Petitioner and the learned Counsel appearing for the State of Tamil Nadu on behalf of the Respondent.

2. This Writ Petition has been filed by the petitioner praying for a direction to the Respondent to register the sale deed dated 05.06.2026 in respect of the property in Survey No.1607/4, Devadhanapatti Village, Periyakulam Taluk, Theni District, upon its presentation, without insisting on a missing certificate from the police authorities for the lost document registered as Document No.1630 of 2002 dated 23.10.2002 on the file of Respondent, forthwith.

3. The learned counsel for the Petitioner as well as the learned counsel for the Respondent confirm that the issue is no longer *res integra* and is squarely covered by an order of the Division Bench of this Court dated 23.06.2026 passed in W.P(MD)No.7415, 6183, 9526 & 16387 of 2026 of 2026 in the case of *M/s.Dugars Vs. The State of Tamilnadu and Others*, which reads as follows:

“**128.** The fourth proviso relates to the requirement of a non-traceable certificate issued by the police department, along with publication in a widely circulated local newspaper. This proviso was also incorporated in the earlier Rule, which was struck down by the Division Bench of this Court in *P. Pappu v. Sub-Registrar* in W.A. No. 1160 of 2024, dated 29.07.2024,



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wherein it was clearly held as follows:

“10. Adverting to the facts on hand, the document that is sought to be registered is a release deed executed by the sister in favour of the brother. The document recites that the property belonged to the father. The parties are not strangers to each other. They have produced registration copies of the antecedent documents which are registered in the very same office. Unless the Registrar has a doubt regarding the genuineness of the copies issued by his own office, insistence on production of originals is a superfluous exercise. As we had already stated, it is a common knowledge and accepted phenomena today that one cannot secure a certificate from a Government office without the price. In such situation, driving executant of documents to obtain a non traceability certificate in case of lost document in every case, will result only in encouraging under hand dealings. When certified copies have been produced and it is not impossible for the Sub Registrar to have it verified with the original record that is available in his own office, insisting upon a non traceability certificate appears to be rather a wasteful exercise. Even in Punithavathy's case referred to supra, we have observed that the Registrars will not refuse registration particularly, when the parties to the documents are relatives and they take the risk of obtaining the document without examining the title. The copies of the documents have already been produced. The Sub Registrar could have verified the same with the original records in his office and register the instrument without dogmatically refusing registration. We, therefore, do not find any substance in the argument of Mr.Ramanlaal, learned Additional Advocate General. We, therefore, set aside the order of the learned Single Judge as well as the impugned check slip. We direct the Sub Registrar, Rasipuram, to register the release deed. We permit the appellant to re-present the release deed within four weeks from today and upon such re-presentation, the Sub Registrar, Rasipuram, will register the instrument without insisting on production of originals within 15 days from the date of presentation.”

129. The said judgment is also upheld by the Hon'ble Supreme Court in S.L.P. Civil)No.3244 of 2025, by order dated 03.02.2025.



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130. With regard to the last proviso to Section 34-C, it is clear that its survival depends upon the survival of the other limbs of the provision. Consequently, if the other limbs of Section 34-C are struck down, the last proviso must also automatically go. Therefore, we are of the view that the entire amendment introduced is nothing but a resurrection of the earlier Rule 55-A, which had been struck down by the Hon'ble Supreme Court. As already noted supra, the legislature cannot vest adjudicatory powers with the executive. Such an exercise violates the separation of powers thereby violating Article 14 of the Constitution and is also impose arbitrary and unreasonable restrictions on the right to deal with one's property, which is a constitutional right under Article 300-A. It is now well settled through a catena of decisions that the right to property has been recognized as a human right under Article 21."

4. In view of the above, this Writ Petition is disposed of by directing the Respondent to register the sale deed upon presentation, if it is otherwise in order. No Costs.

03.07.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Sub Registrar,
Sub Registrar Office, Batlagundu, Dindigul District.



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WP(MD) No. 18645 of 2



C.SARAVANAN, J.

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WP(MD) No. 18645 of 2026

03.07.2026