



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2020

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD)No.1284 of 2020

Santhosam

... Petitioner

vs .

1. The District Registrar,
District Registrar Office,
Tirunelveli District.

2. The Sub Registrar,
Sub Registrar Office,
Nanguneri,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip issued by the second respondent in refusal No.RFL/Nanguneri/3/2019, dated 23.12.2019 and quash the same and consequently, to direct the second respondent to register the sale deed, dated 23.12.2019 in application No.TP/81757398/2019.

For Petitioner : Mr.C.K.M.Appaji

For R1 and R2 : Mr.M.Murugan
Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus to quash the impugned refusal check slip issued by the second respondent in refusal No.RFL/Nanguneri/3/2019, dated 23.12.2019 and consequently, to direct the second respondent to register the sale deed, dated 23.12.2019 in application No.TP/81757398/2019.



2.The petitioner states that he is residing at Elangulam Village, Nanguneri Taluk, Tirunelveli District. It is the case of the petitioner that an extent of 11.87 acres in S.No.176/A1A originally belong to Rasiah and Chelliah, sons of Arumugam. It is the further case of the petitioner that the said Rasiah and Chelliah jointly executed a sale deed in respect of an extent of 2.15 acres out of 11.87 aces in the said survey number in favour of one Daniel son of Ponniah Nadar. The sale deed is dated 03.09.1986 vide document No.631 of 1986 registered before the second respondent. It is stated that patta was also issued in favour of the said Daniel, purchaser and sub division was effected and S.No.176/A1A3A was assigned.

3.The petitioner was appointed as power of attorney agent by the said Daniel and the petitioner presented a sale deed for registration before the second respondent in favour of one Hari Krishnan son of Arjunan. This sale deed is in respect of an extent of 25 cents out of larger extent. However, the second respondent refused to register the document for production of original title deed for verification. This Court has time and again held that the Sub Registrar has no authority or power under the Registration Act to require original document or title deed or to produce any document to prove one's title.

4.In ***C.Moorthy vs Sub Registrar Aruppukottai***, reported in ***2018 SCC Online Mad 3898***, I had an occasion to deal with the similar issue, where a party to a transaction challenged the Check Slip requiring the petitioner therein to submit the sale deed along with the original document of sale, which is the parent document. This Court after referring to the previous judgments of this Court in ***K.S.Vijayendran vs The Inspector General of Registration and another***, reported in ***2011-2-L.W.648*** and ***Lakshmi Ammal vs The Sub Registrar, Villivakkam and another***, reported in ***2015 SCC Online Mad 5868***, allowed the Writ Petition and quashed the impugned Check Slip and further directed the Sub Registrar to accept the document and to register the same without insisting production of original parent document.

5.The learned Government Advocate submitted that the petitioner was required to produce the original power of attorney deed. However, this submission is quiet contrary to the order found in the impugned check slip. The petitioner has to produce the power of attorney deed in original, so as to present the document for registration. There is no requirement to produce the original title deed for executing the sale deed. Hence, this Writ Petition is allowed and the impugned check slip passed by the second respondent, dated 23.12.2019 is quashed. The second respondent is directed to register the document presented by the petitioner subject to petitioner produce the original power of attorney deed and life



certificate and satisfy the Sub Registrar regarding identity of the parties to the transaction. This exercise shall be done by the second respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

WEB COPY

Sd/-
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
District Registrar Office,
Tirunelveli District.
2. The Sub Registrar,
Sub Registrar Office,
Nanguneri, Tirunelveli District.

+1 CC to M/s.C.K.M.APPJI, Advocate (SR-5571[F] dated 11/02/2020)
+1 CC to M/s.SPL GP (SR-5375[F] dated 10/02/2020)

CMR

TE : 18/02/2020 : 3P/5C

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