



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.14335 of 2021

A.Muthukumar,
S/o. Alagirisamy

... Petitioner

Vs.

The Sub-Registrar,
Magudanchavadi Sub-Registrar Office,
Magudanchavadi,
Salem District.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in Refusal No.RFL/Magudanchavadi/5/2021, dated 25.06.2021, and quash the same as illegal and consequently direct the respondent to register the documents presented by the petitioner for registration without insisting for the production of original parent documents in view of the order passed in W.P. (MD) No.19745 of 2020 dated 11.02.2021 within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.N.Vijaya Basker
for M/s.Law Vision

For Respondent : Mr.Yogesh Kannadasan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed challenging the refusal check slip dated 25.06.2021 issued by the respondent Sub-Registrar on the ground that the petitioner has failed to produce parent document of the property and also not followed the circular issued by the Inspector General of Registration.



2. The grievance of the petitioner is that, he has purchased the property from one Vellayee and Rajendiran, original owners of the property in respect of their undivided share, and executed a sale deed on 25.06.2021 and presented the same before the respondent for registration. But, the respondent Sub-Registrar had refused to register the document on the ground that the original parent document was not produced. Challenging the said order, the present Writ Petition has been filed by the petitioner.

3. Mr.N.Vijaya Baskar, learned counsel appearing for petitioner would submit that, all the original documents are marked as evidence in a civil suit filed by the petitioner's father in O.S.No. 88 of 2002 in respect of pathway and the suit was dismissed, an appeal is now pending, wherein the petitioner is also a party. Since all the documents are in the civil court, the petitioner could not get the original document immediately. However, the petitioner has obtained the certified copy of the same from the appellate court viz., Sub-Judge, Sankari. Now, he is willing to place the same before the respondent Sub-Registrar. Apart from that, he has stated that the circular referred by the respondent deals with missing document, whereas in the instant case, original document is available and the same is in the court custody. Therefore, the circular issued by the Inspector of Registration is not applicable to the petitioner. That apart, the learned counsel relying upon the judgment of this court in W.P. No.19745 of 2020, dated 11.02.2021, submitted that, the Sub-Registrar cannot insist for production of original parent document for registration.

4. On the other hand, Mr. Yogesh Kannadasan, learned Government Advocate would submit that, in order to avoid fraud and duplication, the respondent had requested the petitioner to produce the original parent document. Since the petitioner did not produce the same, the respondent Sub-Registrar has rightly refused to register the document.

5. Heard rival submissions made by learned counsel appearing for petitioner as well as learned Government Advocate and perused the records.

6. The respondent Sub-Registrar refused to register the document only on the ground that original parent document was not produced along with the sale deed for verification. According to the petitioner, all the original documents are marked as evidence in the civil court and the same is in the court custody. Hence, he could not get the document immediately, as the appeal is still pending. It is also further submitted that, now, the petitioner has obtained certified copy from the appellate court itself and he is ready and willing to produce



the same before the authorities. Considering the peculiar circumstances of the case, as the original documents are in the civil court custody and the petitioner has also obtained certified copy from the court itself, the respondent Sub-Registrar can look into the certified copy issued by the appellate court and he need not insist to produce original parent document. In the said circumstances, the order passed by the respondent is set aside and the petitioner is directed to produce the certified copy of parent document obtained from the appellate court within a period of two weeks from the date of receipt of copy of this order. On filing the same, the respondent Sub-Registrar is directed to register the document, if it is otherwise found to be in order. Accordingly, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

rpp

To:

The Sub-Registrar,
Magudanchavadi Sub-Registrar Office,
Magudanchavadi,
Salem District.

+1cc to the Government Pleader, High Court, Madras, S.R.No.37377

W.P.No.14335 of 2021

VG-II (CO)
SU(24/08/2021)