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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.14914/2021

[Video Conferencing]

M.R.Vetrivel

... Petitioner

Versus

The Sub Registrar,
Vadalur, Kurinjipadi Taluk
Cuddalore District.

... Respondent

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to register the Sale Deed dated 29.04.2021 in respect of property bearing New S.No.49/11 Hec.0.28.0 in Karunguzhi Village, Kurinjipadi Taluk, Cuddalore District presented by the petitioner for registration without insisting for the production of the original parent document within the time that may be stipulated by this Court.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondent.
- (2) The writ petition has been filed in the nature of a mandamus seeking a direction against the respondent/Sub Registrar, Vadalur, Kurinjipadi Taluk, Cuddalore District, to register the Sale Deed dated 29.04.2021 presented by the petitioner herein with respect to the property in New S.No.49/11 measuring 0.28.0 Hectares and situated in Karunguzhi Village, Kurinjipadi Taluk, Cuddalore District. The Sub Registrar had refused to entertain and receive and also to register the said Sale Deed claiming that parent



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Title Deeds will have to be produced. In this connection, my attention has been drawn by the learned counsel for the petitioner that the parent documents with respect to the said lands had actually been registered in the very same Sub Registrar office as Doc.Nos.1296/2012, 1297/2012 and 1298/2012. It has therefore been contended by the learned counsel for the petitioner that the Sub Registrar can examine the records which are available in his own office and therefore, the insistence on the petitioner to produce the said documents is unreasonable.

- (3) In this connection, it is also seen that the said issue is no longer res integra as the said issue had come up for consideration even earlier. One of the judgments has been reported in 2011 [2] Law Weekly 648 [K.S.Vijayendran Vs. The Inspector General of Registration Chennai and Others], wherein a direction had been given that the Sub Registrar can examine the said documents to satisfy about the ownership of the executant. Further, in yet another judgment reported in 2015 SCC Online Mad 5868 [Lakshmi Ammal Vs. The Sub Registrar, Villivakkam and Others], it had been stated that when the petitioner therein had produced the Encumbrance Certificate, the Sub Registrar had refused registration of the Settlement Deed on the ground of non-production of the original Sale Deed by the petitioner therein, the Sub Registrar therein was directed to register the Settlement Deed presented by the petitioner therein with respect to the property in question.
- (4) This position has been further reaffirmed by a judgment reported in 2021 [2] CTC 526 [Sivanadiyan Vs. The Sub Registrar, Pudukottai, Pudukkottai District] wherein, it has been held that insistence of production of parent document cannot be countenanced and such insistence was held to be unsustainable.
- (5) In view of the catena of judgments cited by the learned counsel for the petitioner, I have no hesitation in granting a mandamus as sought and a direction is given to the respondent / Sub Registrar, to register the Sale Deed dated 29.04.2021 as presented by the petitioner herein. The petitioner may make a fresh application through online for registration of the Sale Deed and on that particular day, present the Sale Deed for registration and the respondent may not insist on production of the parent Title Deed but satisfy the registration of the Title Deeds by examining Document Nos.1296/2012, 1297/2021 and 1298/2012 registered the very same office and on such satisfaction, and proceed further with registration of the document and release the same to the petitioner herein, provided the documents are



otherwise in order and necessary stamp duty and registration charges have been paid.

(6) Mandamus is accordingly issued. The writ petition stands allowed. No costs.

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Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP

To

The Sub Registrar,
Vadalur, Kurinjipadi Taluk
Cuddalore District.

+1 CC to M/s.D.Baskar, Advocate, Sr.No. 41014.

+1 CC to The Government Pleader, Sr.No. 41500.

WP.No.14914/2021

GP(CO)
LS(09/09/2021)