



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11679 of 2021

and

W.M.P. (MD) .No.9185 of 2021

N.Mohammed Ali Hussain

... Petitioner

Vs.

1.The District Registrar,
Cheranmahadevi, Tirunelveli.

2.The Joint Sub-Registrar No.2,
Cheranmahadevi, Tirunelveli.

3.A.Kaja Maideen

4.S.Ismath Inoon

... Respondents

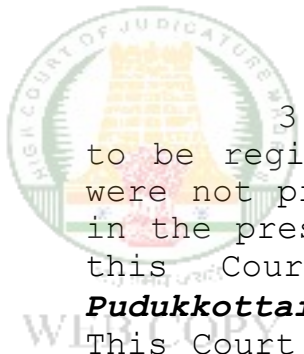
Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned orders of the 2nd respondent dated 11.05.18, 11.08.2018 and the consequential impugned order of the 1st respondent in Na.Ka.No.3138/A1/2018 dated 22.10.2018 and quash the same and consequently direct the respondents to register and release the sale deed dated 10.05.2018 under pending Document No.2/2018 to the petitioner within the stipulated period as fixed by this Court.

For Petitioner : Mr.H.Arumugam
For R1 & R2 : Mr.M.Lingadurai
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent dated 11.05.2018 and the order of the first respondent dated 22.10.2018 and for a direction to the respondents 1 and 2 to register and release the sale deed dated 10.05.2018.

2. Heard Mr.H.Arumugam, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 and 2.



3. It is seen from records that the sale deed was refused to be registered only on the ground that the original title deeds were not presented at the time of registration. The issue involved in the present Writ Petition is squarely covered by the Judgment of this Court in the case of **Sivanadiyan Vs. Sub-Registrar, Pudukkottai, Pudukkottai District** reported in **2021 (2) CTC 526**. This Court made it very clear that the Registering Authority cannot insist for the production of the original title deeds and the same is beyond the power and jurisdiction conferred under the Registration Act.

4. In view of the above, the impugned orders passed by the first and second respondents are hereby quashed and there shall be a direction to the second respondent to entertain the sale deed for registration, if it is otherwise in order and the necessary stamp duty and registration charges are paid. The document shall be released after registration.

5. This Writ Petition stands allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Registrar,
Cheranmahadevi, Tirunelveli.

2.The Joint Sub-Registrar No.2,
Cheranmahadevi, Tirunelveli.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-22414[F] dated 14/07/2021)
+1 CC to M/s.SPL GP (SR-22549 & 22696[F] dated 14/07/2021)

Order made in
W.P. (MD) .No.11679 of 2021
Dated : 13.07.2021

SSS (CO)

TR(20.07.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>