



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14883 of 2021

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Ms.,Millenium Granites,
through its Partner,
P.Sudhir Sharma,
No.7B, Ramakrishnapuram,
Karur Town, Karur Taluk,
Karur District.

... Petitioner

Vs.

The Sub-Registrar,
Sub-Registrar Office,
Melakarur,
Karur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Slip in RFL/Melakarur/27/2021 dated 11.08.2021 and quash the same as illegal and consequently direct the respondent to register the lease deed dated 02.08.2021 presented by the petitioner firm for registration without insisting for the production of original parent document.

For Petitioner : Mr.M.P.Senthil
For Respondent : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner challenges a Refusal Check Slip, dated 11.08.2021, of the respondent. The petitioner states that the property bearing old survey No.650, new Survey No.650/2 and old survey No.649, New survey No.649/2, originally belonged to one P.Vinoth Kumar. The said P.Vinoth Kumar purchased the aforesaid property under registered sale deed dated 15.03.2000. Subsequent to such purchase, it is stated that P.Vinoth Kumar executed a lease deed on 25.05.2000 in favour of the petitioner for a period of 30 years. Thereafter, another lease deed dated 24.11.2006 was executed for a further period of 12 years from 2030 to 2042. Meanwhile, it is stated that Mr.P.Vinoth Kumar died on 02.01.2016. He said to be survived by his wife, Mrs.V.Meena and his two sons V.Suriya and V.Naren. His wife submitted a lease deed dated



02.08.2021 for a further extension of the lease period from 2042 to 2047 and the impugned order was passed refusing the registration thereof.

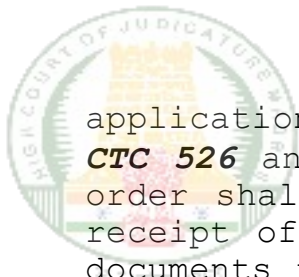
2.Learned counsel for the petitioner refers to the impugned order and points out that the only reason cited therein for the refusal to register the document is the non production of the original parent document. By relying upon the Judgment of this Court in ***Sivanadiyan Vs. Sub-Registrar, Pudukottai, Pudukottai District***, reported in ***2021 (2) CTC 526***, it is contended that the registration authorities do not have the power to refuse registration on the ground of non production of the original parent document.

3.Mr.P.Subbaraj, learned counsel for the State accepts notice on behalf of the respondent. He submits that the circular issued by the Inspector General of Registration requires that the relevant revenue records should be produced in case the original parent document is not available. In addition, it is submitted that a police complaint should be lodged in respect of the missing original parent document.

4.Upon perusal of the impugned order, it is evident that the only reason cited for refusal to register the document is the non production of the original parent document. The judgment of this Court in the case reported in ***2021 (2) CTC 526*** holds that the Registration Department does not have the authority to refuse registration on the ground of non production of the original parent document. This Judgment is on the basis of earlier Judgments to the same effect. Consequently, the impugned order cannot be sustained. Hence, the impugned order is quashed.

5.Nonetheless, it should be borne in mind that the registration authorities call for the original parent document so as to ensure that the relevant property has not been mortgaged or subject to any other form of encumbrance, which would impede the execution of deeds of conveyance in respect thereof. Therefore, a party seeking to register a deed of conveyance without the original parent document may be called upon to provide an explanation and produce any other corroborating document.

6.Subject to the aforesaid observations, W.P.(MD).No.14883 of 2021 is allowed. Consequently, the matter is remanded to the respondent for reconsideration of the application for registration of the lease deed. It is open to the petitioner to resubmit the lease deed for registration. Such re-submission shall be done within one week from the date of receipt of a copy of this order. It is also open to the petitioner to provide an explanation and also submit any further documents in relation to such application for registration. The respondent shall pass a reasoned order on the said



application by taking into account the Judgment reported in **2021 (2) CTC 526** and also the observations contained herein. Such reasoned order shall be passed within a period of 30 days from the date of receipt of the lease deed along with an explanation and additional documents if any. There will be no order as to costs.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

The Sub-Registrar,
Sub-Registrar Office,
Melakarur,
Karur District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-27079[F] dated 24/08/2021)
+1 CC to M/s.SPL GP (SR-27058[F] dated 24/08/2021)

W.P (MD) No.14883 of 2021
23.08.2021

GC (31.08.2021) /3P/4C