



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7316 of 2022

Periya Karuppan

... Petitioner

Vs.

1.The Sub-Registrar,
O/o. Sub Registrar,
Thallakulam Registration Office,
Madurai.

2.Vinoth

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records, pertaining to the impugned order in No.P12/2022 dated 29.03.2022, passed by the first respondent and to quash the same as arbitrary and consequently to direct the first respondent to register the power deed document dated 23.02.2022, executed by the petitioner, without insisting the original document, within the time limit that may be stipulated by this Court.

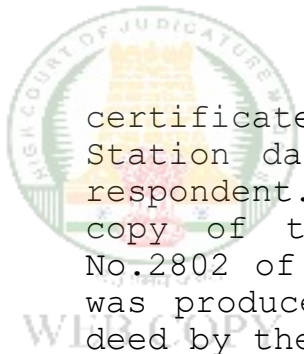
For Petitioner : Mr.M.S.Jeyakarthik

For R-1 : Mr.J.John Rajadurai,
Government Advocate.

ORDER

This Writ Petition has been filed challenging the order dated 29.03.2022 passed by the first respondent under which the power of attorney deed presented by the petitioner for registration has been refused to be registered on the ground that the petitioner has not produced the original sale deed standing in the name of his wife.

2. According to the petitioner, he is the only legal heir of the deceased Ayee Ammal, who is the owner of the subject property by having purchased the same under the sale deed dated 16.06.1980 registered as Document No.2802 of 1980. It is the contention of the petitioner that the original sale deed dated 16.06.1980 standing in the name of his deceased wife, Ayee Ammal, is missing and a missing



certificate issued by the Inspector of Police, K.Pudur Police Station dated 10.09.2020 has also been produced before the first respondent. It is also the case of the petitioner that a certified copy of the sale deed dated 16.06.1980 registered as Document No.2802 of 1980 along with the missing certificate dated 10.09.2020 was produced at the time of presentation of the power of attorney deed by the petitioner before the first respondent. The petitioner, who claims to be the only legal heir of the deceased Ayee Ammal, has executed the said power of attorney deed in favour of one Thayani, who is his daughter-in-law. However, under the impugned order, the first respondent has refused to register the power of attorney deed only on the ground that the petitioner has not produced the original parent document, namely, the sale deed dated 16.06.1980 registered as Document No.2802 of 1980.

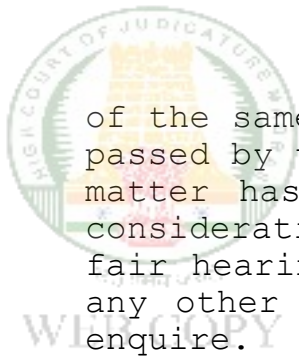
3. It is settled law as stated in the various decisions of this Court that there is no necessity to produce the original parent documents at the time of presentation of any document for registration. It is sufficient, if certified copies of the same are produced.

4. In the case on hand, the petitioner claims to have produced the certified copy of the parent document, namely, the sale deed dated 16.06.1980 registered as Document No.2802 of 1980 standing in the name of his deceased wife, Ayee Ammal. The petitioner also claims that he is the only legal heir of his deceased wife, Ayee Ammal.

5. However, as seen from the impugned order, only on the ground that the petitioner has not produced the original parent document, the power of attorney deed dated 23.02.2022 (No.P12/2022) has been refused to be registered, which, in the considered view of this Court, is not in accordance with law laid down by this Court in its various decisions. No opportunity of hearing has also been granted to the petitioner as seen from the impugned order. The second respondent is a person who has lodged a protest petition with the first respondent requesting the first respondent not to register any document presented by the petitioner for registration.

6. No prejudice would be caused to the respondents, if both the petitioner as well as the second respondent are heard by the first respondent and final orders are passed thereafter by the first respondent with regard to the presentation of the power of attorney deed by the petitioner for registration.

7. For the foregoing reasons, this Court is of the considered view that the principles of natural justice have been violated and the first respondent has also passed the impugned order by total non-application of mind to the settled law which lays down that there is no necessity for production of original parent documents at the time of presentation of any document for registration and it would suffice, if certified copies



of the same are produced. Hence the impugned order dated 29.03.2022 passed by the first respondent has to be necessarily quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner as well as the second respondent and any other necessary party, whom the first respondent deems fit to enquire.

8. In the result, the impugned order dated 29.03.2022 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner as well as the second respondent and any other necessary party, whom the first respondent deems fit to enquire, including granting them the right of personal hearing. The first respondent is directed to pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

The Sub-Registrar,
O/o. Sub Registrar,
Thallakulam Registration Office,
Madurai.

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-19595[F] dated 20/04/2022)

W.P. (MD) .No.7316 of 2022

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