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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17085 of 2022
and
W.M.P(MD)No.12453 of 2022

G.Kanagaraj ... Petitioner

Vs

The Sub-Registrar,
Sub-Registration Office,
Kattuputhur,
Trichy District. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in RFL/Kattuputhur/49/2022 dated 06.07.2022, quash the same and direct the respondent to register the lease agreement without insisting original parental document.

For Petitioner : Mr.V.Panneer Selvam

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader

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ORDER

Heard the learned counsel on either side.

2. With their consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner presented the petition mentioned lease deed for registration. Since the petitioner could not produce the original title deed, the respondent refused to entertain the same and the impugned refusal check slip was issued. Challenging the same, this writ petition came to be filed.

4. The learned counsel appearing for the petitioner states that the original document had been misplaced. In any event, what is sought to be presented is only a lease deed. The petitioner had already let out the property in favour of ICICI Bank. The lease deed had expired. Since the lessee is a Financial Institution, they had insisted on execution of a fresh lease deed.

5. Therefore, a fresh lease deed was presented for registration. It has been held time and again that the registering authority cannot insist on production of the original title deed. The reason set out in the impugned refusal check slip is clearly unsustainable. It stands quashed. The petitioner is permitted to re-

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present the lease deed in question. The respondent shall entertain the same and register it and release it subject to fulfilment of the other usual formalities.

6. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

02.08.2022

Index : Yes / No
Internet : Yes/ No
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To

The Sub-Registrar,
Sub-Registration Office,
Kattuputhur,
Trichy District.

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G.R.SWAMINATHAN, J.

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