



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18422 of 2022

1.M.Chinnasamy

2.Latha

... Petitioners

v.

The Sub Registrar,
Kannivadi,
Dindigul District.

... 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 records relating to the impugned refusal check slip in RFL/Kannivadi/7/2022 dated 04.08.2022 and quash the same and consequently direct the respondent to register the sale deed dated 04.08.2022 executed by the first petitioner in favour of the second petitioner without insisting the original document within the time fixed by this Court.

For Petitioners : Mr.B.Azhagesh

For Respondents : Mr.K.S.Selvaganeshan,
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2.The petitioner wants to sell the petition mentioned property. However, the parent title deed could not be produced before the registering authority. According to the petitioner, he had lost the same or it has been misplaced. The petition mentioned sale deed contains specific recitals to this effect. The petitioner has also filed an affidavit stating that they have not encumbered the property by depositing the parent title deed. The respondent however declined to entertain the document and issued the impugned refusal check slip on the ground that the original document/parent deed has not been produced. Questioning the same, this writ petition has been filed.

3.The learned counsel for the petitioner draws my attention to the decision reported in **2021 (2) CTC 526 (Sivanadiyan vs. The Sub Registrar, Pudukottai)** wherein a learned Judge of this Court held that production of original title deed is not necessary for registration.

4.Respectfully following the aforesaid decision, the impugned refusal check slip is quashed. The writ petition is allowed. The petitioners are



permitted to re-present the document in question. The respondent shall entertain the same and shall register the transaction subject to the fulfillment of the other formalities. The writ petition stands allowed. No costs.

16.08.2022

skm

To

The Sub Registrar,
Kannivadi,
Dindigul District.



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G.R.SWAMINATHAN, J.

skm

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