



WEB COPY

WP No.13703 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.13703 of 2023

Moorthy

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Chennimalai,
Erode District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order/Refusal Check Slip dated 03.03.2023 made in RFL/Sennimalai/5/2023 issued by the respondent and quash the same and consequently direct the respondent to register Sale Deed document dated 02.03.2023 without insisting for the production of original parent document.

For Petitioner

: Ms.D.Jeevitha

For Respondent

: Mr.D.Ravichander,
Special Government Pleader.



ORDER

The Refusal Check Slip dated 03.03.2023, issued by the respondent, is sought to be assailed in the present writ petition.

2. The grievance of the writ petitioner is that the Sale Deed was presented for registration before the respondent and the respondent asked the petitioner to submit the original parent document.

3. The original parent document was not available with the petitioner and therefore the petitioner has obtained certified copy from the Competent Authority and submitted the same before the respondent for registering the Sale Deed. Even after submitting the certified copy of the original document, the respondent issued the Refusal Check Slip merely on the ground that the petitioner has failed to submit the original title document.



4. In certain cases, the original document may not be available on account of variety of reasons. In such circumstances, the persons submitting the documents for registration may be permitted to furnish the certified copy of those documents for verification.

5. The Authorities Competent are empowered to verify the certified copy and in the event of any doubt, the genuinity of the same also may be verified through the Competent Authorities, who issued the certified copies. Contrarily, the Authorities cannot insist upon the persons to submit the original copy alone, which may not be possible for the persons to comply with the same. Thus the respondent-Sub-Registrar shall register the documents even by verifying the certified copies of the original documents if produced by the persons presenting the documents for registration.

6. In the present case, the petitioner has stated in the affidavit that he has submitted the certified copy of the title document and therefore, the respondent is directed to verify the certified copy and register the document presented by the petitioner by following the procedures as contemplated.



7. With the above directions, the writ petition stands allowed.

However, there shall be no order as to costs.

01-06-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn



To

The Sub Registrar,
Office of the Sub Registrar,
Chennimalai,
Erode District.

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S.M.SUBRAMANIAM, J.

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