

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.28892 of 2023

and

W.M.P.Nos.28470 & 28472 of 2023

Dhanasekaran

... Petitioner

Vs.

The Sub-Registrar,
Office of the Sub Registrar,
Pallikonda,Vellore District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other writ or direction, to call for the records pertaining to impugned order passed by the respondent in Check Slip RFL/Pallikonda/104/2023 dated 20.09.2023, thereby refusing to register the document and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the sale deed dated 20.09.2023 presented by the petitioner, within a time frame.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The Writ petitioner has filed the present Writ Petition, seeking to issue a Writ of Certiorarified Mandamus, to direct the respondent/Sub Registrar, Pallikonda, to register the petitioner's sale deed dated 20.09.2023.

2. Learned counsel appearing for the petitioner submitted that when the petitioner has presented the sale deed for registration before the respondent, the respondent refused to register the sale deed for the reason of non-submission of parent document, which has not been annexed along with the sale deed. Further, the learned counsel appearing for the petitioner submitted that there is no mandatory provision to produce the original parent document for registering the document for sale and already, this Court passed an order stating that the Registrar can register the document for sale without parent document.

3. Learned Special Government Pleader appearing for the respondent submitted that as per Rules contemplated under Section 55(A) of Registration Act, the respondent had refused the petitioner representation and directed to produce the original parent document. There is no perversity in the impugned order passed by the respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

5. Admittedly, the petitioner presented the sale deed dated 20.09.2023 for registration before the respondent. The respondent issued the refusal check slip for the reason that as per Rule 55(A)(i) of the Registration Rules, the original document has to be annexed with the application. Aggrieved by the said order, the petitioner has filed the present writ petition. On a reading of Rule 55(A)(i) of the Registration Rules, original document has to be annexed with the application at the

time of registering the document for sale. As per per Rule 55(A)(i) of the Registration Rules, unless the original parent documents are produced before the Registrar, the Registrar shall not register the document. In this case, the petitioner has not produced the original document and therefore, the respondent/Sub Registrar refused the same. This is not the final order and still the petitioner has the remedy to re-present his document along with original parent document for registration. The petitioner has also not stated any reason as to why he has not produced the original parent document.

6. Under the facts and circumstances, the petitioner is not entitled to get the relief as sought for in this writ petition. The Writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

7. However, the petitioner is at liberty to re-present the document in question along with original, if he is able to produce the original parent document. If it is so, the respondent/ Sub Registrar shall consider

the petitioner's represented document and register the document in question in accordance with law. In case, the petitioner is not in a position to produce the parent original document and he is able to prove that he is not in a position to produce the parent original document and comply with the proviso 2 to rule 55(A(i) of Registration Rules, it is left open to the respondent/Sub Registrar to consider the petitioner's representation.

17.10.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The Sub-Registrar,
Office of the Sub Registrar,
Pallikonda, Vellore District.

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P.VELMURUGAN, J.

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