



W.P.No.33492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :
THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.33492 of 2023

Paraman

... Petitioner

Versus

The Sub Registrar,
Sub Registrar Office,
Dharapuram,
Tirupur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorified Mandamus, calling for the records from the file of the respondent made in Refusal Number: RFL/DHARAPURAM/77/2023 dated 08.11.2023 quash the same and consequently direct the respondent to register the Partition Deed of the petitioner dated 07.11.2023 by verifying the certified copy of the original document No.1870 of 1980, dated 23.06.1980.

For Petitioner : Mr. N. Stalin

For Respondent : Mr. Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition is filed for issuance of a simple writ of ceritorarified mandamus to quash the refusal check slip bearing No.RFL/DHARAPURAM/77/2023, dated 08.11.2023 and to direct the



W.P.No.33492 of 2023

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respondent to register the Partition Deed entered into between the petitioner and his brother, dated 07.11.2023 by accepting the certified copy of the original Doc.No.1870/1980 dated 23.06.1980.

2. The brief case of the petitioner is that the petitioner's mother purchased the property in question situated at Old Sinnakkapalayam village, Selampalayam Village, Dharapuram Taluk, bearing Old S.No.587/C, New S.No.625/1A1 measuring about 0.06 cents and the same was registered, Vide Doc.No.1870/1980, dated 23.06.1980 at the Sub Registrar Office, Dharapuram. The petitioner's mother died on 10.06.1987, leaving behind the petitioner and his brother namely, one Mr.Palanisamy as her legal heirs and since then, the petitioner and his brother were jointly in possession and enjoyment of the said properties. While that being so, the petitioner and his brother decided to partition the said properties, Vide Partition Deed, dated 07.11.2023 by allotting “A” schedule property to Mr. Palanisamy, who is the brother of the petitioner and “B” schedule property to him. When the said partition deed was placed for registration, but the same was returned by the first respondent by the impugned Refusal Check Slip stating that the original document was



W.P.No.33492 of 2023

not produced. Hence, the present Writ Petition.

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3. The learned counsel for the petitioner submitted that he has submitted the documents for registration. The said document was returned with refusal check slip, directing the petitioner to produce the original title deed and only if the petitioner produces the original deed, the said document can be registered, since the certified copy of the deed which was purchased by his mother, was not accepted. Therefore, finding no other efficacious alternative remedy, the petitioner has approached this Court for the said relief.

4. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice to the respondents.

5. Rule 55-A(1) of the Tamil Nadu Registration Rules, is very clear which states that whenever a document is produced for registration as per the Act, the original title deed has to be produced along with the document for registration and it is mandatory. In case, if a person presents the document, but is not able to produce the original title deed, they have to



W.P.No.33492 of 2023

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follow the provisio of 2 to 4 of the Rule 55-A(1), whereas, the petitioner has not given any reason for non-production of the original title deed and also has not complied with the said Rule and provisios.

6. Under such circumstances, the petitioner is not entitled to get any relief in the present Writ Petition. However, the petitioner is at liberty to re-present the document complying with the procedures as per Rule 55-A(1) and provisos 2 to 4 of the Registration Rules as the case may be.

7. With the above observations and direction, the Writ Petition is dismissed. No costs.

29.11.2023

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

klt

To:

The Sub Registrar,
Sub Registrar Office,
Dharapuram, Tirupur District



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W.P.No.33492 of 2023

P. VELMURUGAN, J.

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W.P.No.33492 of 2023

29.11.2023