



W.P.No.34672 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34672 of 2023

K.Rangasamy

... Petitioner

versus

1.The District Registrar,
The District Registrar Office,
Rangampalayam,
Erode District.

2.The Sub Registrar,
Sub Registrar Office,
Bhavani, Erode District.

.....Respondent

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Bhavani/122/2023, dated 26.09.2023 and to quash the same as illegal, incompetent and ultravires and consequently, direct the second respondent to register the sale deed dated 26.09.2023 executed by the petitioner.



W.P.No.34672 of 2023

For Petitioner : Mr.C.Ramaraj
For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the respondents. With the consent of both the parties, this Writ Petition itself is taken up for final disposal.

2. This Writ Petition has been filed to quash the Refusal Check Slip in refusal number RFL/Bhavani/122/2023, dated 26.09.2023 and consequently, to direct the second respondent to register the Sale Deed, dated 26.09.2023.

3. The learned counsel for the petitioner submitted that the petitioner intended to sell the subject property for a consideration and he has executed a Sale Deed, dated 26.09.2023, in favour of one T.Sathishkumar. While so, the petitioner presented the Sale Deed before the second respondent for registration on 26.09.2023, however, the second respondent refused to register the same and passed the impugned refusal check slip and directed

Pg.Nos.2/6



W.P.No.34672 of 2023

the petitioner to produce the original parent document of Will dated 16.10.1992. He further submitted that the petitioner is not able to produce the original parent document and he has also stated that Rule 55-A(i) of the Registration Rules has been down by this Court, however, the respondents are insisting the petitioner for submissions of the original document.

4. Heard both sides and perused the materials available on record.

5. It is seen from the records that though the petitioner has not filed the original parent document, the second respondent refused to register the said Sale Deed and returned the same directing the petitioner to re-present the document along with original parent document. Though the petitioner himself admitted that he has produced only certified copy of the parent document, however, he has not stated any reason as to why he has not been in a position to produce the original parent document.

6. Even Proviso (i) to Rule 55-A(i) of the Registration Rules has been down by this Court in the decision reported in **2023(2) CTC 289 [Federal Bank Ltd., Vs. Sub Registrar, Office of he Sub Registrar, Pollachi and others]**, the other Proviso II to IV are still existing. If a person, who has presented the document for registration, is not able to produce the original



W.P.No.34672 of 2023

document, he has to follow the Provisos II to IV to Rule 55-A(i) of the Registration Rules. However, in the present case, the petitioner has not followed and complied with the Provisos II to IV to Rule 55A(i) of the Registration Rules. Therefore, the petitioner is not entitled to get the relief as sought for in this Writ Petition. If the petitioner either produced the original parent document or comply with the Provisos II to IV to Rule 55-A(i) of the Registration Rules, as the case may be, and if the document produces by the petitioner is otherwise in order, the respondents are directed to register the same.

7. With the above direction, this Writ Petition is dismissed. However, there shall be no order as to costs.

20.12.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

Pg.Nos.4/6



WEB COPY



W.P.No.34672 of 2023

To

- 1.The District Registrar,
The District Registrar Office,
Rangampalayam,
Erode District.
- 2.The Sub Registrar,
Sub Registrar Office,
Bhavani, Erode District.



WEB COPY



W.P.No.34672 of 2023

P.VELMURUGAN, J.

ms

W.P.No.34672 of 2023

20.12.2023

Pg.Nos.6/6