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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.9296 of 2023
and
W.M.P(MD)No.8341 of 2023

1.P.Nallammal
2.P.Nallasivam

... Petitioners

vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram, Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
Collectorate Campus, Karur, Karur District.

3.The Sub Registrar,
Sub Registrar Office,
Chinnatharapuram, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned Refusal Check Slip No.RFL/Chinnatharapuram/10/2023, dated 24.02.2023 issued by the



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third respondent and to quash the same and consequently, to direct the the third respondent herein to register the sale deed dated 24.02.2023 presented by the petitioners for registration without insisting for production of the original parent document within the stipulated time as that may be fixed by this Court.

For Petitioners :Mr.A.Saravanan

For Respondents :Mr.M.Prakash
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to refusal check slip in No.RFL/Chinnathrapuram/10/2023, dated 24.02.2023 issued by the third respondent/Sub Registrar, Chinnathapuram at Karur District and to direct the third respondent to register the sale deed, dated 24.02.2023.

2.Heard Mr.A.Saravanan, learned Counsel for the petitioners and Mr.M.Prakash, learned Additional Government Pleader for the respondents.



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3. In the affidavit filed in support of this Writ Petition, it had been stated that the second petitioner and his mother/the first petitioner had executed a sale deed in favour of one P.Rajendran to convey an extent of one acre out of a total area of 1.21.0 hectare in S.No.484/3, present sub division S.No.484/3B. The original parent title deed is said to have been lost. It stands in the name of the father. The third respondent had refused to register the sale deed by insisting upon production of the original parent deed.

4. The learned Counsel for the petitioners stated that a complaint had been given to the Police on 25.02.2023. The learned Counsel for the petitioners also produced the CSR receipt for the same.

5. The learned Additional Government Pleader however stated that the document was presented for registration on 24.02.2023 and on the next day, on 25.02.2023, the police complaint was given.



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6. But however, the fact is that the very same document, namely, document registered as Doc.No.959/1995, dated 01.11.1995 had been registered in the very same Sub Registrar Officer and if the third respondent entertains any doubt, he/she could very well examine that particular document from the records. It cannot be a valid reason to reject registration of the document, particularly because, the original document stood in the name of the father of the second petitioner. It was not in the name of any stranger to the family. All the members of the family, namely, the first and second petitioners have jointly executed the sale deed.

7. The impugned order is set aside. The petitioners are directed to once again present the sale deed for registration following due process and produce before the third respondent, the copy of the CSR receipt issued by the jurisdictional police and if any certificate before that time had been issued by the Police, then that may also be produced before the third respondent. If all these formalities are completed, the third respondent is directed to register the document within a further period of two weeks from the date of presentation of the document by the



petitioners.

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8.The Writ Petition stands allowed. No costs. Consequently,
connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No

14.06.2023

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To

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.9296 of 2023

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