



W.P(MD)No.17737 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17737 of 2022

1.P.Mariappan

2.K.Pasupathy

3.Elazabeath

... Petitioners

Vs.

The Sub Registrar,
No.1, Joint Sub Registrar,
Palayamkottai,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal Check Slip No.1 Joint Sub Registrar Palayamkottai / 59/2022 dated 24.06.2022 and quash the same and consequently direct the respondent to register the document presented by the petitioners for registration without insisting for the production of the original parents document and separate patta within a time fixed by this Court.

For Petitioners : Mr.S.Siva Sudhan

For Respondent : Mr.M.Prakash
Additional Government Pleader



W.P(MD)No.17737 of 2022

ORDER

Heard both sides.

2. I decline to interfere with the impugned refusal check slip because it has been passed on valid ground. It is seen that the property belongs to three persons namely Chelladurai, Mariappan & Pasupathy. The power of attorney is proposed to be executed. In the said power of attorney, all the three persons will have to be joined. The petitioners are unable to produce the parent deed in original. If that be so, formalities set out in second proviso to Rule 55(A) of the Registration Rules will have to be complied with. The executants can submit an application before the jurisdictional police and the jurisdictional police after conducting enquiry will have to issue Non Traceable Certificate. The executants will have to necessarily fulfill all the formalities prescribed in the statutory Rules. The petitioners 1, 2 & Chella Durai/ husband of the third petitioner are given liberty to approach the respondent again by complying with the formalities set out in second proviso to Rule 55A of the Registration Rules.

3. With this liberty, the writ petition is disposed of. No costs.

15.12.2023

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.17737 of 2022

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To
The Sub Registrar,
No.1, Joint Sub Registrar,
Palayamkottai,
Tirunelveli District.



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W.P(MD)No.17737 of 2022

G.R.SWAMINATHAN, J.

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