



W.P(MD)No.27572 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27572 of 2022

and

W.M.P.(MD)No.21673 of 2022

Ramesh

... Petitioner

Vs.

1.The District Registrar,
Pudukottai Registration District,
Pudukkottai.

2.The Sub Registrar,
Karambakkudi,
Pudukottai District.

... Respondents

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 of the respondents in connection with the impugned order passed by the 2nd respondent in RFL/Karambakkudi/57/2022 dated 26.09.2022 and the subsequent rejection order passed by the 1st respondent in No.5289/Aa1/2022 dated 28.10.2022 and quash the same and further direct the respondent to register the sale deed presented by the petitioner in respect of S.No.140/1, situated at Karukkakurichi Village, Alangudi Taluk, Pudukottai District within a reasonable time.



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For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents : Mr.N.Satheeskumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.One P.Saravanan owned 14 acres and 26 cents of lands in the petition mentioned survey number. He sold 10 acres out of the same in favour of one Suresh vide sale deed dated 12.04.2017. The land was duly sub-divided and individual patta stood in the name of Saravanan in respect of the unsold portion of 4 acres and 26 cents. This unsold portion was sold to the petitioner vide sale deed dated dated 23.09.2022. It was presented for registration. The Registering Authority declined to receive the document and instead issued refusal check slip. The ground on which the refusal is based is that the parties could not produce the antecedent documents in original. The petitioner filed an appeal before the first respondent. The first respondent also confirmed the order. Challenging the same, the present writ petition has been filed.



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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and allow the writ petition as prayed for.

4.The learned Additional Government Pleader for the respondents submitted that the impugned orders do not call for any interference.

5.I carefully considered the rival contentions and went through the materials on record. It is true that Saravanan purchased 14 acre and 26 cents of lands from one Ramamirtham on 17.03.2004. He sold substantial extent to the tune of 10 acres in favour of Suresh in the year 2017. The sale deed dated 12.04.2017 executed by Saravanan in favour of Suresh reads that he handed over all the documents. It is obviously means that all the original documents had been handed over. When out of 14 acres and 26 cents, 10 acre is sold by the owner, then obviously the purchaser would insist that the owner should part with the original document. In the present sale, this aspect has been stated.

6.That apart, a learned Judge of this Court in Sivanadiyan case had held as follows:-

“8.This Court is entirely in agreement with the submissions



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made on behalf of the petitioner in this regard. The latest decision of the learned single Judge appears to have not considered the implication of the circular with reference to the scheme of the relevant Act. On the other hand, the above three decisions cited on behalf of the petitioner would certainly hold the field and in which event, insistence on production of original title deeds by the Registering Authority is without any authority of law. The circular issued by the Inspector General of Registration, Chennai in this regard cannot have any sanctity, unless the power of issuance of such circular is authorized under the provisions of the Act. This Court has consistently held that no such power can be read into the Act, in the absence of any specific provisions and in that view of the matter, as rightly contended by the learned counsel for the petitioner, the subject issue is no more res-integra. As far as the latest decision of the learned single Judge is concerned, being a kind of a contra view, this Court is of the opinion that the order passed by the learned single Judge of this Court in W.P. (MD) No.16768 of 2020, dated 26.11.2020 has not appreciated the provisions of the Act, as the reasons of the learned single Judge are contrary to the well considered earlier judgments of this Court. The learned Judge has reasoned without any specific reference to the scheme of the Act, which governs the registration.”

7. In this view of the matter, the orders impugned in the writ petition are set aside. The petitioner is permitted to re-present the document before the second respondent. The second respondent will receive the same, register it and release it subject to fulfillment of other usual formalities. writ petition is



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allowed. No costs. Consequently, connected miscellaneous petition is closed.

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03.01.2023

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

- 1.The District Registrar,
Pudukottai Registration District,
Pudukkottai.
- 2.The Sub Registrar,
Karambakkudi,
Pudukottai District.



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G.R.SWAMINATHAN, J.

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