



WEB COPY



W.P.No.242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.242 of 2024

P.Pappu

... Petitioner

Vs.

The Sub Registrar,
Rasipuram SRO,
Rasipuram, Namakkal District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the Refusal Check Slip Order dated 30.11.2023 made in RFL / Rasipuram/ 266/ 2023 passed by the respondent and to quash the same and consequently to direct the respondent to register the Partition Release Deed dated 30.11.2023 executed by the petitioner in favour of petitioner brother E.Mani in respect of the properties comprised in S.F.No.6/3 (1/4th of 12 ¼ cents plus well) S.F. No.6/6B (1.38 ¼ Acres) S.F. No.7/2 (12 ¼ cents) S.F. No.7/3 (4.64 acres of land with well and a house in 1245 Sq.ft) and S.F. No.7/4B (74 cents) of Vadugam Muniappampalayam Village Rasipuram Taluk Namakkal District by accepting the Registration copies of the partition deed dated 04.10.1960 (Doc.No.1945/1960) and the sale deed dated 18.01.1966



W.P.No.242 of 2024

(Doc.No.56/1966).

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the Refusal Check Slip Order dated 30.11.2023 made in RFL / Rasipuram/ 266/ 2023 passed by the respondent and to quash the same and consequently to direct the respondent to register the Partition Release Deed dated 30.11.2023 executed by the petitioner in favour of petitioner's brother E.Mani in respect of the properties comprised in S.F.No.6/3 (1/4th of 12 ¼ cents plus well) S.F. No.6/6B (1.38 ¼ Acres) S.F. No.7/2 (12 ¼ cents) S.F. No.7/3 (4.64 acres of land with well and a house in 1245 Sq. ft.) and S.F. No.7/4B (74 cents) of Vadugam Muniappampalayam Village Rasipuram Taluk Namakkal District, by accepting the Registration copies of the partition deed dated 04.10.1960 (Doc.No.1945/1960) and the sale deed dated 18.01.1966 (Doc.No.56/1966).



W.P.No.242 of 2024

WEB COPY

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3. Learned counsel for the petitioner submitted that the petitioner presented two documents for registration. The Registrar has refused to register the documents stating that the original parent document was not produced by the petitioner for verification at the time of registration. But, the petitioner has produced the Registration copy of the partition deed dated 04.10.1960 and the sale deed dated 18.01.1966 issued by the respondent and the same are very much available with the respondent. The documents are of the year 1960 and 1966 and they are ancient documents. It is not necessary in every case to produce the original parent document. Hence, the impugned order passed by the respondent is liable to be quashed.

4. In support of his contentions, he placed reliance on the following citations:



W.P.No.242 of 2024

WEB COPY

i. Order made in W.P.(MD)No.7175 of 2021 dated 30.03.2021

[P.Mariappan and Others Vs. Sub Registrar, Palayamkottai, Tirunelveli reported in 2021 SCC Online Mad 16583: AIR 2021 Mad 315.

ii. Order made in W.P.No.2758 of 2023 dated 08.02.2023

[Federal Bank Ltd Rep., by its Senior Manager, LCRD Vs. Sub Registrar and others] reported in 2023 SCC Online Mad 878: LW734: 2023 (1) Writ LR 148.

5. Learned Additional Government Pleader appearing for the respondent submitted that first proviso to Section 55-A(i) of the Act alone has been struck down by this Court. He further submitted that since the petitioner has not produced the original parent document, the respondent refused the petitioner representation. There is no perversity in the impugned order passed by the respondent.

6. Admittedly the petitioner presented two documents for registration before the respondent. The respondent issued the refusal



W.P.No.242 of 2024

WEB COPY

check slip for the reason that as per Rule 55(A)(i) of the Registration Rules, the original document has to be annexed with the application. Aggrieved by the said order, the petitioner has filed the present writ petition. On a reading of Rule 55(A)(i) of the Registration Rules, it is very clear that it is mandatory that the Registrar, before registering the document, has to verify the original parent document of the subject property which is covered under the document presented for registration. The original document has to be annexed with the application at the time of registering the document. As per per Rule 55(A)(i) of the Registration Rules, unless the original parent documents are produced before the Registrar, the Registrar shall not register the document. In this case, the petitioner has not produced the original document and therefore, the respondent/Sub Registrar refused the same. In case the original document is not able to be produced before the Registrar and though the parent documents are already available in the Registrar Office and based on that, they issued certified copy of the same and though first proviso to Section 55(A)(i) of the Act is struck down, proviso II to IV still there to enable the parties to meet out their requirements and to safeguard the



W.P.No.242 of 2024

interest of those parties. Citations referred by the learned counsel for the petitioner are not applicable to the facts of the present case on hand. There is no perversity in the impugned check slip passed by the respondent herein.

7. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs. However the petitioner is at liberty to work out his remedy after complying with the representation as per per Rule 55(A)(i) of the Registration Rules.

09.01.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The Sub Registrar,
Rasipuram SRO,



W.P.No.242 of 2024

Rasipuram,
Namakkal District.