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W.P. No.5019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5019 of 2024 and
W.M.P.No.5510 of 2024

1.Parvathi

2.Nithya Sri

... Petitioners

Vs.

1.The Inspector General of Registration,
Office of Inspector General of Registration, Chennai.

2.The Sub-Registrar,
Sub-Registrar Office,
Pochampalli, Krishnagiri District.

3.Nasuruthin

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records on the file of 2nd Respondent in Refusal Check Slip Number. RFL/Pochampalli/6/2023 dated 09.2.2024 and the quash the same and consequently directing the second respondent to register the sale deed presented by the petitioners dated 09.02.2024 in favour of the third respondent without insisting the parent document No.2158/ 2008.



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For Petitioner : Mr. M. Vignesh

For Respondents : Mr. B. Vijay,
Additional Government Pleader (for R1 & R2)

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ORDER

The Writ Petition is filed challenging the Refusal Check Slip Number.RFL/Pochampalli/6/2023 dated 09.2.2024 issued by the 2nd respondent and the quash the same and consequently directing the 2nd respondent to register the sale deed presented by the petitioners dated 09.02.2024 in favour of the third respondent, without insisting the parent document No.2158/ 2008.

2. The contention of the learned counsel for the petitioners is that the petitioners have lost the parent document and they have made a complaint before the police. Since, the Rule 55A of the Registration Rules has been struck off, the respondents cannot insist to produce the original parent document, to the document produced before them for registration.



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3. Mr.B.Vijay, learned Additional Government Pleader takes notice

for the respondents 1 and 2. Since, no adverse order is being passed against the 3rd respondent, notice to the 3 respondent is dispensed with.

4. It is to be noted that the Rule 55A of the Registration Rules has not been struck of and what is struck down is, only first Proviso to Rule 55A of the Registration Rules. The third Proviso to Rule 55A (i) of the Registration Rules clearly says the procedures to be followed by the parties to present a document for registration if, the original parent document is not able to be produced. Since the petitioners have not followed the procedures, this Court does not find any illegality or impunity in the refusal check slip passed by the 2nd respondent. However, the petitioners shall comply with the third Proviso to Rule 55A (i) of the Registration Rules and work out their remedy in the manner known to law before the 2nd respondent.



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5. With the above observations, this Writ Petition is disposed of at

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the admission stage itself. The connected Miscellaneous Petition is ordered
subject to payment of separate Court fee by each of the Writ Petitioners.

6. There shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1.The Inspector General of Registration,
Office of Inspector General of Registration,
Chennai.

2.The Sub-Registrar,
Sub-Registrar Office,
Pochampalli,
Krishnagiri District.



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P.VELMURUGAN. J.

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