



WEB COPY

W.P.No.5661 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5661 of 2024

K.P.Raja

... Petitioner

Vs.

1. The District Registrar
Registration Department
District Registration Office
Erode District

2. The Sub Registrar
Ammapettai Registration Office
Bhavani Taluk, Erode District

... 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 records of the 2nd respondent in his refusal Check Slip RFL/Ammapettai/85/2023 Sub Registrar, Ammapettai dated 29.11.2023 by the 2nd respondent, quash the same and direct the 2nd respondent to register the document presented by the petitioner for registration of partition deed on 29.11.2023 pertaining to S.No.538/1A and it is situated at Periyakurumbapalayam, Kurichi Village, Ammapettai Sub Registrar Office, Erode District a total extent of 23.0 cents without insisting original document.

For Petitioner : Mr.SP.Yuvaraj

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

**ORDER**

WEB COPY

This Writ Petition is filed challenging the refusal Check Slip issued by the 2nd respondent in RFL/Ammapettai/85/2023 dated 29.11.2023 and quash the same and also direct the 2nd respondent to register the document presented by the petitioner for registration of partition deed on 29.11.2023 pertaining to S.No.538/1A, situated at Periyakurumbapalayam, Kurichi Village, Ammapettai Sub Registrar Office, Erode District a total extent of 23.0 cents, without insisting original document.

2. The case of the petitioner is that the petitioner's father purchased the subject property from one T.C. Thiruvankadam Chettiar in the year 1984 vide registered sale deed in Document No.983 of 1984 and from the date of purchase, the petitioner's family is in possession and enjoyment of the property. After the demise of the petitioner's father in the year 2012, his legal heirs have been enjoying the property and they entered into a partition deed dated 29.11.2023 in which 23 cents of the said property was allotted in favour of the petitioner and when the petitioner produced the document for registration of partition deed dated 29.11.2023 before the 2nd respondent, the 2nd respondent issued the refusal check slip stating that original document must be produced. Hence, the present Writ Petition is filed.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes



notice for the respondents.

4. The contention of the learned counsel for the petitioner is that the property in question was purchased by the petitioner's father in the year 1984 itself and since his father died, the petitioner could not trace out the original document. He further contended that the third proviso to Rule 55A of the Registration Rules has been struck down by this Court, in support of which, he referred to an order of this Court in W.P.No.5152 of 2023 dated 22.02.2023 (P.M.Duraisamy Vs. The District Registrar and another). However, a careful reading of the same shows that the third proviso has not been struck down and only the first proviso to Rule 55A (i) has been struck down.

5. Third Proviso to Rule 55A (i) of the Registration Rules clearly says the procedures to be followed, if the original parent document is not able to be produced. In case the petitioner has lost the original parent document, he has to adopt the procedure as contemplated under the third Proviso to Rule 55A (i) of the Registration Rules.

6. Under these circumstances, this Court does not find any perversity, impunity or infirmity in the refusal check slip issued by the 2nd respondent.



7. Accordingly, this Writ Petition is dismissed. No costs.

8. However, the petitioner is at liberty to follow the third Proviso to Rule 55A (i) of the Registration Rules.

04.03.2024

ksa-2

Index : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Registrar
Registration Department
District Registration Office
Erode District
2. The Sub Registrar
Ammapettai Registration Office
Bhavani Taluk, Erode District

W.P.No.5661 of 20





WEB COPY

W.P.No.5661 of 2024



P.VELMURUGAN. J.

Ksa-2

W.P.5661 of 2024

04.03.2024