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W.P. No.6263 of 2024

21 IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.6263 of 2024

Sanjeevan

... Petitioner

Vs.

1.The District Registrar,
Dharmapuri, Dharmapuri District.

2.The Sub-Registrar,
Karimangalam Registrar Office,
Dhramapuri 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 refusal check slip dated 24.01.2024 in Refusal No. RFL/Karimangalam/17/2024 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to register the document.

For Petitioner : Mr. V. Balamurugan

For Respondents : Mr. U. Bharanidharan,
Additional Government Pleader.



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ORDER

The Writ Petition is filed challenging the refusal check slip dated 24.01.2024 in Refusal No. RFL/Karimangalam/17/2024 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to register the document.

2. The learned counsel for the petitioner submitted that one Ashok Kumar who is having a property admeasuring to an extent Hectare 0.84.5, extent 1.82 cents in Survey No.558 and presently now it is Hectare 0.49.43, extent 1.06 cents New Survey No.558/1A1 in Patta No.2472, situated at Karimangalam Taluk, Karimangalam Sub Registrar, Dharmapuri District, agreed to sell his property in favour of the petitioner and his Shanmugam and also executed a sale deed. When the same was presented before the 2nd respondent, he refused to register the same on the ground that the mother document was not produced. The contention of the petitioner is that the original parent document was lost. Hence, he



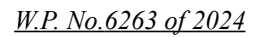
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produced the certified copy of the parent document. However, the 2nd respondent failed to receive the same and passed the impugned refusal check slip. Hence, challenging the same, the present Writ Petition is filed.

3. Mr.U.Bharanidharan, learned Additional Government Pleader who takes notice for the respondents submitted that the petitioner did not comply with the Third Proviso to Rule 55A (i) of the Registration Act and hence, the 2nd respondent passed the impugned refusal check slip. Therefore, there is no perversity or impunity in the refusal check slip passed by the 2nd respondent.

4. Heard both sides and perused the materials available on record.

5. The petitioner himself admitted that he did not produce the original parent document at the time of presenting the sale deed for registration and he also admitted that the original parent document was lost. 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



6. Accordingly, this Writ Petition is dismissed at the admission stage

08.03.2024

Neutral Citation Case : Yes/No

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https://www.mhc.tn.gov.in/judis



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To

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Dharmapuri, Dharmapuri District.
- 2.The Sub-Registrar,
Karimangalam Registrar Office,
Dharmapuri District.



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P.VELMURUGAN. J.

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