



WEB COPY



WP.No.21219 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21219 of 2024

K.S.Prema

.. Petitioner

Versus

The Sub Registrar, Sub Registrar Office,
Selaiyur, Chengalpet District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent relating to refusal check slip number RFL/Selaiyur/6/2024 dated 15.07.2024 and quash the same in the light of the judgment in 2023 1 CWC 533 and direct the respondent to register the sale deed.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Shajahan
Special Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.



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2. Challenging the impugned refusal slip issued by the respondent dated 15.07.2024 refusing to register the sale deed presented by the petitioner for registration, the present Writ Petition has been filed.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

4. The case of the petitioner is that she is the owner of the property in Survey No.57/10 to an extent of 2,400 sq.ft. in Vengai Vasal Village by virtue of the document No.8563 of 1983 and patta also stands in the name of the petitioner. When the petitioner intended to sell the property and executed a sale deed, the same was refused to be registered by the respondent citing original document not produced. Challenging the same the present Writ Petition.

5. It is relevant note that this Court in the case of ***Federal Bank v Sub Registrar***, reported in ***2023 (2) CTC 289*** has held that Sub Rule XX of Rule 162 has no statutory backing. The said order has been followed by a Division Bench of this Court in the case of ***M. Ariyanatchi v Inspector General*** made in ***W.A.(MD).No. 856 of 2023, dated 27.06.2023***, wherein, Division Bench of this



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Court has held that, for instance, the original document is held by one co-owner, the Sub-Registrar can always take an undertaking or a declaration in the form of an affidavit from the vendors to the effect that the original document is with the said person and register the document. Hence, the Sub-Registrar cannot refuse to register a document merely because the original parent deed has not been produced. In such view of the matter, the impugned refusal slip has to be set aside.

6. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 15.07.2024 is quashed and the respondent is directed to register the sale deed dated 15.07.2024 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs.

30.07.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

The Sub Registrar, Sub Registrar Office,
Selaiyur, Chengalpet District.



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N. SATHISH KUMAR, J.

vrc

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