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W.P.No.21609 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21609 of 2024

Naresh Kumar
S/o.Late K.K.Shiva Shanker
Old No.15, New No.16,
Second Avenue Harrington Road,
Chetpet, Chennai - 600 031.
Rep. by Power of Attorney
Rohini Shanker

...

Petitioner

versus

The Sub-Registrar,
Periamet,
Chennai.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to the impugned order made in Refusal Check Slip dated 08.07.2024 in RFL/Periamet/55/2024 and quash the same and consequently direct the respondent to register the Settlement Deed dated 08.07.2024 by verifying the certified copy of the parent document bearing No.129 of 1970 registered in Book No.I, Volume 1129, Pages 123 to 131 in the office of Sub-Registrar of West Madras and Encumbrance Certificates without insisting for original Parent Deed.

For Petitioner : Mr.C.Vigneswaran

For Respondent : Mr.M.Shajahan
Special Government Pleader



ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to quash the Refusal Check Slip in Refusal Number : RFL/Periamet/55/2024 dated 08.07.2024 and consequently direct the respondent to register the same.

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

4. It is the grievance of the writ petitioner that when the Settlement Deed was presented for registration, the respondent refused to register the same on the ground that the original registered documents were not produced by the petitioner.

5. It is relevant to note that this Court in the case of ***Federal Bank Vs. Sub Registrar***, reported in ***2023 (2) CTC 289*** has held that Sub



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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 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 08.07.2024 is quashed and the respondent is directed to register the Settlement Deed dated 08.07.2024 presented by the petitioner within a period of seven days from the date of receipt of a copy of this order. No costs.

01.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Sub-Registrar,
Periamet,
Chennai.

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N.SATHISH KUMAR, J.

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