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W.P.No.22272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **02.08.2024**

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22272 of 2024

M.Balasubramaniam

.. Petitioner

Versus

The Sub Registrar,
Office of the Sub Registrar - Senthamangalam,
Namakkal District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in relation to the "Refusal Check Slip" in Refusal Number: RFL/Senthamangalam/62/2024 dated 25.07.2024 and consequently, directing the respondent to register the settlement deed executed by the petitioner in favour of his wife B.Selvi dated 25.07.2024 within a time frame as fixed by this Court.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER



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

2. This writ petition is filed to quash the impugned refusal check slip in Refusal Slip No.RFL/Senthamangalam/62/2024 dated 25.07.2024 Sub Registrar-Senthamangalam, Namakkal District and consequently direct the respondent to register the settlement deed filed by the petitioner without insisting for production of original document.

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

4. The case of the petitioner is that the petitioner has purchased a vacant plot measuring an extent of 1517.5sq.ft., in “Poonga Nagar” Layout situated in S.Nos.286/6, 286/7, 286/11 and 286/12, Marurpatti Village, Namakkal Taluk and District registered as document No.3209 of 2011 on the file of the respondent. The petitioner had lost his original title deed in the year 2021 and had also made paper publications on 07.10.2021 through his Advocate. The petitioner has also lodged a complaint before the Karur Town Police Station on 30.10.2021 and the same was received by the police



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in C.S.R.No.848 of 2021. Thereafter, the petitioner had executed a settlement deed in favour of his wife viz., B.Selvi and had presented for registration before the respondent enclosing the certified copy of the missing parent document. However, the respondent had refused to register the said document by a refusal check slip stating that the petitioner had not produced the parent document for verification. Challenging the same, the present Writ Petition has been filed.

5. It is the contention of the learned counsel for the petitioner that the parent document had been missing since 2021 and hence, he is not able to produce the same before the registering authorities.

6. The petitioner has challenged the Refusal Check Slip issued by the respondent. As the order is against the judgment of this Court, no counter is required.

7. It is relevant to 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, the Division Bench of this Court has held that, for instance, the original



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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.

8. Accordingly, this Writ Petition is allowed and the impugned refusal slip of the respondent dated 25.07.2024 stands quashed and the respondent is directed to register the settlement deed dated 25.07.2024 executed by the petitioner in favour of his wife and presented for registration within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

02.08.2024

raa

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

The Sub Registrar,
Office of the Sub Registrar - Senthamangalam,
Namakkal District.



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N. SATHISH KUMAR, J.

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