



WEB COPY

W.P.No.22192 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.22192 of 2024

Saroja

...

Petitioner

versus

The Sub Registrar,
Virugambakkam Sub-Registrar Office,
47/5, Arcot Road,
Udhayam Colony,
Lambert Nagar,
Virugambakkam,
Chennai - 600 083.

...

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 pertaining to refusal check slip *vide* RFL/Virugambakkam/39/2024 dated 26.07.2024 and quash the same and direct the respondent to register the release deed filed in T.P.No.189178359/2024 dated 26.07.2024.

For Petitioner : Mr.S.Ravichandran

For Respondent : Mr.Stalin Abhimanyu
Additional 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/Virugambakkam/39/2024 dated 26.07.2024 and consequently direct the respondent to register the same.

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

4. It is the grievance of the writ petitioner that when the Partition 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 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 26.07.2024 is quashed and the respondent is directed to register the Partition Deed dated 26.07.2024 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs.

01.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

sri

To

The Sub Registrar,
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