



WEB COPY



W.P. No.30871 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 21.10.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P. No.30871 of 2024**

R.Chinnasamy

... Petitioner

Vs.

1.The District Registrar,  
District Registrar Office,  
Dharmapuri.

2.The Sub Registrar,  
The Sub Registrar Office,  
Kariyamangalam, Dharmapuri.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to quash the refusal order issued by the Respondents in refusal order No:RFL/Kariamangalam/194/2024 dated 28.08.2024 and directing the Respondents to register the Sale Deed as requested.

For Petitioner

: Mr.S.Kalaiarasan  
for Ms.M.V.Saranya

For Respondents

: Mr.M.Shahjahan  
Special Government Pleader



W.P. No.30871 of 2024

WEB COPY

## **ORDER**

Aggrieved by the impugned refusal order issued by the 2<sup>nd</sup> Respondent refusing to register the sale deed, the petitioner has come before this Court.

2. It is the case of the petitioner that he purchased the subject property under registered sale deed dated 13.03.1997. Now, the petitioner executed a sale deed in favour of one Parthiban on 28.08.2024 and presented the same for registration. The said document was refused registration by the 2<sup>nd</sup> Respondent on the ground that the petitioner failed to produce the parent title document.

3. The learned counsel for the petitioner submitted that failure of the petitioner to produce original parent title document is not a ground to refuse registration. It is asserted by the petitioner in the affidavit filed in support of the writ petition that the parent document was misplaced and the petitioner is ready to produce the certified copy of the same before the Sub-Registrar.

4. The Special Government Pleader who takes notice for the Respondents by relying on Rule 55A of the Registration Rules submits that unless original



title document is produced, the document cannot be considered for registration.

WEB COPY

5. The issue regarding production of original title document was considered by this Court in the case of ***Venugopal vs. Inspector General of Registration*** (Order made in W.P.No.22270 of 2024 dated 14.08.2024). The relevant observation in the said case law reads as follows:-

*“16. The Proviso 3 to Rule 55-A does not say Non-Traceable Certificate shall be issued by police within a time frame. We cannot expect the petitioner, who presented the document for registration to wait endlessly expecting Non-Traceable Certificate. Further, Section 23 of Registration Act compels presentant to present the document for registration within four months. Hence, presentant cannot wait indefinitely for non-traceable certificate by Police. The Proviso 3 to Rule 55-A(i) does not mention any time limit for issue of non-traceable certificate. Hence, if Police Authorities failed to issue certificate within time to enable presentant to comply with Section 23 of Registration Act, there is a danger of document being refused as presented out of time. Therefore, following the order passed by the Division Bench of this Court in ***M.Ariyanatchi*** case, this Court directs the 2<sup>nd</sup> respondent to register the document on petitioner fulfilling certain conditions, which can be treated as substantial compliance of Proviso 3 to Rule 55-A.*

*17. As mentioned earlier, failure to produce original title document is not a ground to refuse registration provided petitioner satisfy third proviso to Rule 55-A(i). Therefore, the impugned*



W.P. No.30871 of 2024

*Refusal Check Slip issued by the 2<sup>nd</sup> respondent in RFL / CHENNIMALAI / 25 / 2024, dated 30.04.2024 is quashed and the petitioner is directed to represent the document before the 2<sup>nd</sup> respondent within a period of two weeks from today, along with an affidavit mentioning the fact of loss of original title document and untraceability of the same. The petitioner shall also enclose newspaper advertisement issued by him in leading Tamil newspapers having wide circulation in Erode District. The Newspaper advertisement shall disclose loss of original title deed and intention of the Seller to convey the property. On fulfilment of these two conditions, the 2<sup>nd</sup> respondent is directed to register the same.*

*18. Therefore, the Writ Petition stands allowed with the above directions. No costs.”*

6. In fact, the Division Bench of this Court in the case of **Pappu vs. The Sub-Registrar Rasipuram** in **W.A.No.1160 of 2024 dated 27.09.2024**, also held that production of original title document is not necessary for considering registration of the document.

7. In view of the law settled in the above mentioned decisions production of original title document is not necessary for considering registration of the document. The petitioner is directed to represent the document before the



W.P. No.30871 of 2024

Respondents along with the affidavit mentioning the misplacement of the original title document, newspaper advertisement in Tamil local daily as indicated in *Venugopal case* cited supra and certified copy of the parent title document within a period of two weeks from the date of receipt of a copy of this order. The Respondents shall consider the same for registration, if it is otherwise in order.

8. Accordingly, the writ petition stands allowed. No costs.

**21.10.2024**

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

mka

To:

1.The District Registrar,  
District Registrar Office,  
Dharmapuri.

2.The Sub Registrar,  
The Sub Registrar Office,  
Kariyamangalam, Dharmapuri.



WEB COPY



W.P. No.30871 of 2024

**S. SOUNTHAR, J.**

mka

**W.P. No.30871 of 2024**

**21.10.2024**