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W.P.No.31633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.31633 of 2024

&

W.M.P.No.34390 of 2024

Kamali

...Petitioner

Vs.

The Sub-Registrar
Office of the Sub-Registrar,
Trichengode,
Namakkal District

...Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the respondent in refusal number. RFL / Trichengode /146 / 2024 (Refusal Check Slip) dated 10.09.2024, quash the same as illegal and consequently direct the respondent to register the sale deed situated in Plot No. 3, in S.No. 247 2B and 247/3, Devanankurichi Village, Trichengode Sub-Registration Office, Namakkal District.



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For Petitioner : Mr. M.Dinesh.

For Respondent : Mr. B.Vijay
Additional Government Pleader.

ORDER

Challenging the refusal check slip dated 10.09.2024 issued to the petitioner stating that registration is not permissible under Section 55 A of the Registration Act, without producing the original document, the petitioner is before this Court.

2. Heard the learned counsels on the either side and perused the records.

3. Section 55 A of the Registration Act, had been inserted by the State Government after the Judgement in ***Ramayee - Vs - The Sub Registrar and others - (2020 (6) CTC 697)***. The insertion was to get over the said Judgement. The Division Bench had in the aforesaid



order held that the Sub Registrar cannot refuse to register a document on the basis that prior document has not been filed.

4. The learned Single Judge of this Court in the Judgement in the ***Federal Bank Limited Vs. the Sub Registrar – W.P.No.2758 of 2023 dated 08.02.2023***, had in extenso considered the provisions of Section 55 A of the Registration Act, the law on the subject and had ultimately directed the Registrar to register the document without insisting upon the parent document. The learned Judge has discussed the Sections and the effect of the provisos and proceeded to held that Section 55 A, being a delegated legislation cannot go beyond the parent legislation, namely, the Registration Act and the Transfer of Property Act.

5. The Division Bench of this Court in ***P.Pappu Vs. The Sub Registrar - W.A.No.1160 of 2024 dated 27.09.2024***, had once again reiterated the fact that Section 55 A has no statutory authority and held that the production of original was only superfluous exercise. Ultimately, directed the registration of the document in question.



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6. Therefore, following the above said Judgements, the Writ Petition is allowed. The respondent is directed to register the sale deed within a period of 2 weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

No costs.

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Index : Yes/No
Internet : Yes/No
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To

The Sub-Registrar
Office of the Sub-Registrar,
Trichengode,
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P.T. ASHA, J,

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