



W.P(MD)No.9366 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.9366 of 2022

and

W.M.P(MD)No.6726 of 2022

S.Vimala

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Manachallur Taluk,
Trichy District.

2.The Inspector of Police,
District Crime Branch,
Subramaniapuram,
Trichy.

3.G.Chandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records in pursuant to the 1st respondent Impugned Refusal Slip in RFL/MANNACHANALLUR/118/2022 dated 28.04.2022 and impugned refusal slip Np.224/2021 dated 01.11.2021 and quash the same and consequently direct the 1st respondent to register the document presented by the petitioner by her sale deed dated 01.11.2021 and 07.01.2022 executed by the 3rd respondent without insisting for the production of Original Parent Document in



W.P(MD)No.9366 of 2022

Plot Nos. 14, 15, 16, 16-B, 18, 19, 20, 23, 24, 25, 25-B, 29, 52-A, 52-B, 56, 57, 58, 59, 60, 61, 61B and 63 in S.No.145/6, Theerampalayam Village, Manachanallur Taluk, Trichy District, in accordance with law.

For Petitioner : Mr.V.M.Balamohan Thampi
For Respondents : Mr.P.Subbaraj (R1)
Special Government Pleader
Mr.M.Vaikkam Karunanithi (R2)
Government Advocate
Mr.G.John Germiah (R3)

ORDER

Challenge has been made to the refusal check slips issued by the first respondent dated 01.11.2021 and 28.04.2022.

2.It is the grievance of the petitioner that when the sale deeds dated 01.11.2021 and 07.01.2022 were presented by the third respondent executed in favour of the petitioner, it was refused by the first respondent, vide refusal check slips dated 01.11.2021 and 28.04.2022 on the ground that original document has not been produced. Therefore, challenging the same, the petitioner has filed this Writ Petition.



3.The issue raised in this Writ Petition is no longer *res-integra*, in view of the judgment rendered by this Court in the case of ***Subramani vs. the Sub Registrar and others*** [WP.No.11056 of 2024, dated 26.04.2024], in which it has been held as follows:

“c. With regard to the refusal on the absence of parent document, this Court in the case of K.S. Vijayendran v. The Inspector General of Registration reported in (2011) 2 LW 648, Lakshmi Ammal v. The Sub Registrar, Villivakkam reported in 2015 SCC OnLine Mad 5868 and C. Moorthy v. Sub Registrar Aruppukottai reported in 2018 SCC OnLine Mad 3898, it was held that absence of a parent document is no ground to refuse registration. Pursuant to these judgments, sub-rule XX was introduced in Rule 162 authorizing the Sub-Registrar to refuse registration for non-production of the original title deed as required by Rule 55-A. 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, 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.

Considering the above settled position of law, the Registrar cannot refuse to register the document merely on the ground of non production of parent document.”

4.In such view of the matter, the refusals made by the first respondent on the ground that original document has not been produced, cannot be



W.P(MD)No.9366 of 2022

sustained in the eye of law. Therefore, the same is liable to be quashed, accordingly, it is quashed. This Writ Petition is allowed with a direction to the first respondent to register the documents executed in favour of the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ta

(2/2)



W.P(MD)No.9366 of 2022

To

- 1.The Sub Registrar,
Sub Registrar Office,
Manachallur Taluk,
Trichy District.

- 2.The Inspector of Police,
District Crime Branch,
Subramaniapuram,
Trichy.



WEB COPY



W.P(MD)No.9366 of 2022

N.SATHISH KUMAR, J.

ta

W.P(MD)No.9366 of 2022
(2/2)

09.09.2024