



WEB COPY



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W.P.(MD)NO.10678 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10678 of 2024

M.Pandi

... Petitioner

Vs.

The Sub Registrar,
O/o.the Sub Registrar,
Kadambur,
Thoothukudi District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the respondent's proceedings in his refusal slip in TR/180199207/2024 dated 24.04.2024 is illegal and quash the same and consequently direct the respondent to register the sale deed dated 24.04.2024 within the stipulated time fixed by this Court.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondent : Mr.B.Saravanan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.



2. The writ petitioner wants to purchase the petition mentioned property. It belongs to one Kosalai. Patta is very much in her name. Kosalai got the property through settlement deed vide document No.1767/2008. The sale deed dated 24.04.2024 was executed in favour of the petitioner by Kosalai. It was presented for registration. Registration was refused on the ground that the parent document was not produced. Questioning the impugned refusal check slip, the present writ petition came to be filed.

3. The issue raised in the writ petition is no longer *res integra*. A learned Judge of this Court in the decision reported in 2021 (2) CTC 526 (Sivanadiyan Vs. Sub Registrar, Pudukottai) had held that the registering authority cannot insist on production of the original parent document. In this view of the matter, the impugned refusal check slip is quashed. The parties are permitted to re-present the document and it shall be registered and released subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

11.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

The Sub Registrar,
O/o.the Sub Registrar,
Kadambur,
Thoothukudi District.



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G.R.SWAMINATHAN,J.

PMU

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