



W.P(MD)No.11085 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11085 of 2024

G.Surya Saraswathi

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Annamalaipuram,
Chennai.

2.The District Registrar,,
82, Railway Feeder Road,
Tenkasi District.

3.The Sub Registrar,,
Sankarankovil,
Tenkasi District.

... 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 the records on the file of the 3rd Respondent in connection with the impugned order of rejection passed in his proceedings in Refusal No RFL Sankarankovil 20/2024 dated 01.04.2024 and quash the same as illegal and arbitrary and consequently directing the 3rd respondent to register and release the release deed pending in TP/178698534/2024 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.P.Veerapandi

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petition mentioned property belonged to the petitioner's father / Ganesan. He passed away on 12.06.2019. He purchased the petition mentioned property vide sale deed dated 02.05.2007. The petitioner's mother and sister are now proposing to release their share in the petition mentioned property. Release deed dated 01.04.2024 was presented for registration. On account of non-furnishing of original document, the registration was refused. Challenging the same, the present writ petition came to be filed.

3.The petitioner is coming out with some story as to how the document went missing. Though I find difficult to believe, it is well settled that so long as the property has not been already alienated, subsistence of mortgage or even a sale agreement is not bar for registering the transaction. Now the property is not proposed to be sold and only release deed is said to be executed. In these



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circumstances, on the ground of failure to furnish the parent document, registration need not be refused.

4.In this view of the matter, the impugned refusal check slip is quashed.

The petitioner is permitted to re-present the petition mentioned document. It shall be registered and released subject to fulfilment of other usual formalities.

This writ petition is allowed. No costs.

10.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Inspector General of Registration,
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Annamalaipuram,
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