



W.P.(MD)No.11139 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11139 of 2022
and
W.M.P.(MD)No.10405 of 2022

R.Thangapandi

... Petitioner

Vs.

The Sub-Registrar,
Aruppukkottai Sub Registrar Office,
Aruppukkottai,
Virudhunagar District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus and call for the entire records in relation to impugned order passed by the respondent dated 15.02.2022 and quash the same and direct the respondent to register the sale deed executed by the petitioner in favour R.Ponnammal regarding the petitioner's property to the extent of 6 acres 2 cents of Punja land in Survey No.240/1A and 240/1B in Patta No. 1620 situated in Kattangudi village, Aruppukkottai without insisting the petitioner to produce original parent documents to the property such Document No. 7116/2011 dated 29.09.2011.



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For Petitioner : Mr.K.K.Kannan
For Respondent : Mr.P.Subbaraj,
Spl. Govt. Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus and call for the entire records in relation to impugned order passed by the respondent dated 15.02.2022 and quash the same and direct the respondent to register the sale deed executed by the petitioner in favour R.Ponnammal regarding the petitioner's property to the extent of 6 acres 2 cents of Punja land in Survey No.240/1A and 240/1B in Patta No. 1620 situated in Kattangudi village, Aruppukkottai without insisting the petitioner to produce original parent documents to the property such Document No. 7116/2011 dated 29.09.2011.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.



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3. It is the grievance of the Writ Petitioner that when the petitioner presented the sale deed executed in favour R.Ponnammal for registration, the same was refused to be registered on the ground that the original document has not been produced. Challenging the same, the present Writ Petition has been filed.

4. It is the contention of the petitioner that there is no dispute with regard to the title and the ownership of the executant is also not at all disputed. However, the respondent refused to register the sale deed presented by the petitioner. Hence, the impugned order is liable to be set aside.

5. It is relevant note that 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



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register a document merely because the original document has not been produced.

In such view of the matter, the impugned refusal slip has to be set aside.

6. Accordingly, this Writ Petition is allowed and the impugned refusal slip issued by the respondent dated 15.02.2022 stands quashed and the respondent is directed to register the sale deed presented by the petitioner, within a period of fifteen days from the date of receipt of a copy of this Order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.09.2024

NCC : Yes/No
Index : Yes/No

vsm



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To
The Sub-Registrar,
Aruppukkottai Sub Registrar Office,
Aruppukkottai,
Virudhunagar District.



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N.SATHISH KUMAR, J.

vsm

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