



W.P.(MD)No.11389 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11389 of 2022

H.Lakshmi

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Ambasamudram,
Tirunelveli 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, calling for the records of the impugned Refusal Check Slip in Refusal Number.RFL/Ambasamudram/6/2022 dated 20.04.2022 passed by the respondent herein and quash the same as illegal and further direct the respondent herein to register and release the document bearing temporary No. TP/117507975/2022 dated 19.04.2022 in light of the order passed in K.S.Vijayandran -vs-I.G. of Registration reported in 2011 (2) LW 648, within a time stipulated by this Court.

For Petitioner	: Mr.V.Meenakshisundaram
For Respondent	: Mr.M.Siddarthan, Addl. Govt. Pleader



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Check Slip in Refusal Number.RFL/Ambasamudram/6/2022 dated 20.04.2022 passed by the respondent herein and quash the same as illegal and further direct the respondent herein to register and release the document bearing temporary No. TP/117507975/2022 dated 19.04.2022 in light of the order passed in K.S.Vijayandran -vs-I.G. of Registration reported in 2011 (2) LW 648, within a time stipulated by this Court.

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

3. It is the case of the petitioner that the petitioner has purchased the subject property through a sale deed dated 31.12.2012. Thereafter, considering the old age, the petitioner has executed a settlement deed in favour of her sister viz., Bakirathi on 10.11.2021. It is the grievance of the writ petitioner that when the settlement deed was presented for registration, the respondent refused to register



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the same on the ground that the original titled deed has not been produced by the petitioner. The petitioner stated that when she was settled in Chennai, the original title deed has been misplaced and in this regard, the petitioner has also lodged a complaint on 07.04.2022 and obtained acknowledgement also and therefore, she could not be able to produce the original documents. However, the respondent refused to register the settlement deed. Hence, the petitioner has filed this Writ Petition.

4. It is relevant to 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 register a document merely because the original parent deed has not been produced. In such view of the matter, the impugned refusal slip has to be set aside.



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5. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 20.04.2022 is quashed and the respondent is directed to register and release the document bearing temporary No. TP/117507975/2022 dated 19.04.2022 within a period of fifteen days from the date of receipt of a copy of this order. No costs.

09.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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To

The Sub Registrar,
Sub Registrar Office,
Ambasamudram,
Tirunelveli District.



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N.SATHISH KUMAR, J.

vsm

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