



WP(MD). No.11792 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 24/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.11792 of 2024
and WMP(MD) No.17937 of 2024**

Ramaiya

... Petitioner

Vs

The Sub Registrar,
Office of the Sub Registrar,
Thuraiyur,
Trichy District.

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the Refusal Check Slip in refusal number RFL/THURAIYUR/BOOK/2/20 dated 03.05.2024 on the file of the respondent quash the same and consequently direct the respondent to register the Sale Deed dated 23.04.2024.

For Petitioner : Mr.S.Varanesh,
For Respondent : Mr.C.Satheesh
Government Advocate



WEB COPY



WP(MD). No.11792 of 2024

ORDER

The writ petition has been filed challenging the refusal slip issued by the respondent dated 03.05.2024 and to direct the respondent to register the sale deed dated 23.04.2024.

2. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

4. The case of the petitioner is that when the petitioner presented a sale deed deed for registration, the same has been refused to be registered on the ground that originals have not been produced. It is his case that the originals are in the custody of one Chinnammal, ie., vendor of the property, who is also the co-sharer of the property. Therefore, the petitioner is before this Court.



WP(MD). No.11792 of 2024

5. I have considered the rival submissions and perused the materials available on record.

6. When the title has not been disputed and all the relevant documents have been produced, merely on the ground of non production of original documents, refusal made on that ground cannot be sustained.

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



WP(MD). No.11792 of 2024

WEB COPY

8. Accordingly, this Writ Petition is allowed 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. No costs. Consequently connected Miscellaneous Petition is closed.

24.09.2024

RR

TO
The Sub Registrar,
Office of the Sub Registrar,
Thuraiyur,
Trichy District.



WEB COPY



WP(MD). No.11792 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.11792 of 2024**

Date : 24/09/2024