



W.P.(MD)No.13492 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.13492 of 2022

Solaimalai

... Petitioner

Vs.

1.The Joint Sub Registrar-I,
Sivagangai, (Registration Department)
Sivagangai District.

2. Govindan

3. Karuppiayee

4. Thiruvettai Chellamani

... Respondents

(R2 to R4 are impleaded vide Court order dated 03.08.2022 in WMP(MD)No.12582/2022 in WP(MD)No.13492/2022 by GRSJ)

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check slip Number: RFL/1 Joint Sub Registrar, Sivagangai/7/2022 dated 13.06.2022 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to register the settlement deed dated 13.06.2022 presented by



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the petitioner without insisting production of original title documents.

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For Petitioner : Mr.V.S.Kumaraguru

For R1 : Mr.C.Satheesh
Government Advocate

For R2 to R4 : No appearance

O R D E R

This writ petition is filed to quash the impugned refusal check slip in RFL/1 Joint Sub Registrar, Sivagangai/7/2022 dated 13.06.2022 and consequently direct the first respondent to register the settlement deed dated 13.06.2022 presented by the petitioner without insisting the production of the original title documents.

2. Heard both sides.

3.The case of the petitioner is that when the petitioner presented a settlement deed in favour of his son, namely, Thiruvettai Kannan before the first respondent, the same was refused to be registered on the ground that the original title deed has not been produced. Challenging the same, the present Writ Petition has been filed.



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4. The issue in the present case is no longer a *res integra* in view of the earlier order passed by this Court in the case of ***Federal Bank v. Sub Registrar***, reported in **2023 (2) CTC 289** wherein it is 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.

5. Accordingly, this Writ Petition is allowed and the impugned refusal slip of the first respondent 13.06.2022 stands quashed and the first respondent is directed to register the settlement deed dated 13.06.2022 presented by the petitioner within a period of fifteen days



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from the date of receipt of a copy of this Order. No costs.

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13.08.2024

NCC : Yes / No
Index : Yes / No
PJL

To

The Joint Sub Registrar-I,
Sivagangai (Registration Department),
Sivagangai District.



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N.SATHISH KUMAR , J.

PJL

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