



W.P.(MD)No.16162 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16162 of 2022

Abdul Rasheed

... Petitioner

Vs.

The Sub Registrar,
Srirangam,
Trichy.

.... 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 pertaining to the impugned refusal check slip issued by the respondent made in Refusal No.RFL/Srirangam/53/2022, dated 13.07.2022 and quash the same as illegal, consequently direct the respondent to register the sale deed dated 13.07.2022 presented for registration on 13.07.2022 executed in favour of the petitioner in respect of the property in S.No.127/2 with an extent of 1 acre 42 cents situated at Ayyampalayam Village, Mannachanallur Taluk, Trichy District, within a time frame.

For Petitioner

: Mr.T.Lenin Kumar

For Respondent

: Mr.M.Siddarthan,
Addl. Govt. Pleader



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ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the respondent made in Refusal No.RFL/Srirangam/53/2022, dated 13.07.2022 and quash the same as illegal, consequently direct the respondent to register the sale deed dated 13.07.2022 presented for registration on 13.07.2022 executed in favour of the petitioner in respect of the property in S.No.127/2 with an extent of 1 acre 42 cents situated at Ayyampalayam Village, Mannachanallur Taluk, Trichy District, within a time frame.

2. It is the grievance of the Writ Petitioner that when the petitioner presented a sale deed for registration in respect of the property in S.No.127/2, the same was refused to be registered for want of production of original title document. Challenging the same, the petitioner has filed this Writ Petition.

3. It is the contention of the learned counsel for the petitioner that the petitioner's vendor misplaced the sale deed and he has a compliant in this regard before the Manachanallur Police Station to trace out the document. However, the



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police neither traced out the misplaced document nor issued the non-traceable certificate. Hence, the petitioner is not able to produce the same before the registering authorities.

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

5. It is relevant to note that this Court in the case of ***Federal Bank vs. 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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6. Accordingly, this Writ Petition is allowed and the impugned refusal slip of the respondent dated 13.07.2022 stands quashed and the respondent is directed to register the sale deed dated 13.07.2022 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.

19.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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To
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The Sub Registrar,
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N.SATHISH KUMAR, J.

vsm

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