



W.P(MD)No.17075 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17075 of 2024

Soundaram

... Petitioner

Vs.

1.The Sub Registrar,
Kalaiyarkoil,
Sivagangai District.

2.R.Senthilkumar

3.Sivakumar

4.Latha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent dated 13/04/2024 in Refusal Number-RFL/2 Yen.Inai Sarpathivalar Karaikudi/9/2024 and QUASH the same and consequently, directing the respondent herein to register the document styled as Deed of Agreement of Sale executed by the petitioner in favour of Panchanathan dated 12/04/2024 bearing Refusal Number-RFL/2 Yen.Inai Sarpathivalar Karaikudi/9/2024.



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WEB COPY For Petitioner : Mr.R.Sundar Srinivasan

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader for R1

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1. Issuance of notice to R2 to R4 is dispensed with.

2. The petition mentioned property stood in the name of late.Rajasekar. The petitioner, R2 & R3 claim to his legal heirs. The legal heir certificate have been enclosed in the typed set of papers. When the sale deed was presented for registration, the impugned refusal check slip was issued. Registration was refused on the sole ground that the fourth respondent herein has given a protest petition claiming that the parent document is available with her.

3. A learned Judge of this Court in the decision reported in **2021 2 CTC 526 (Sivanadiyan Vs. The Sub Registrar, Pudukotttai)** has held that the registering authority cannot insist on production of the original parent document.

4. The purpose of calling upon the presentant of the document to produce the original parent document is for assurance of title so that a third



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party interloper does not meddle with the property. In this case, even according to the fourth respondent, the parent document is with her. The only question that the first respondent ought to pose himself is whether the property stood in the name of Rajasekar & whether the executants of the document are his legal heirs. Once satisfaction is arrived at on this aspect, there should not have been scope for any further enquiry.

5. In this view of the matter, the impugned refusal check slip is quashed. Since this order is passed at the admission stage without notice to the fourth respondent, I direct the first respondent to issue notice to the fourth respondent upon the sale deed being re-presented. The fourth respondent will be informed that if he fails to obtain any restraint order from the jurisdictional civil court within a period of six weeks from the date of receipt of notice, the document in question shall be registered.

6. The Writ Petition is allowed on these terms. No costs.

26.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

The Sub Registrar,
Kalaiyarkoil,
Sivagangai District.

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