



W.P(MD)No.16388 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16388 of 2024

P.Vadivelan

... Petitioner

Vs.

The Joint – II Sub Registrar,
Sub Registrar Office,
Periyakulam,
Theni District.

... Respondent

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 impugned Refusal Check slip in Refusal Number. RFL/2 En. Inai Sarpathivalar Periyakulam / 29/2024 dated 28-May-2024 issued by the respondent and quash the same as illegal and unconstitutional, consequently direct the respondent to forthwith register and release the Sale Deed presented by petitioner with respect of property comprised in T.S.No. 39/21AB, New T.S.No. 39/21 admeasuring 1166 Sq. Feet of Periyakulam Town, Theni district within the time frame as fixed by this Court.



WEB COPY



W.P(MD)No.16388 of 2024

For Petitioner : Mr.M.Maharaja
For Respondent : Mr.B.Saravanan
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner wants to sell the petition mentioned property. Sale deed was presented for registration. Registration was refused on the ground that the parent document was not produced. It is seen that the parent document was marked and exhibited in O.S.No.49 of 2017 on the file of Sub Court, Periyakulam. The suit ended in favour of the petitioner. The petitioner figured as the seventh defendant in the said suit. The petitioner was the plaintiff in O.S.No.21 of 2014. That suit was decreed in favour of the petitioner. Appeal is pending. There is no interim order against the writ petitioner.

3.Be that as it may, the petitioner has given sufficient explanation regarding the whereabouts of the original document. I had followed an earlier order of this Court made in W.P(MD)No.19745 of 2020 (Sivanadiyan Vs The Sub Registrar, Pudukottai District) dated 11.02.2021 and held that registration cannot be refused for non production of the parent document.



W.P(MD)No.16388 of 2024

4.In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. It shall be registered and released subject to the fulfilment of the other usual formalities.

5.This writ petition is allowed accordingly. There shall be no order as to costs.

22.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

The Joint – II Sub Registrar,
Sub Registrar Office,
Periyakulam,
Theni District.



WEB COPY



W.P(MD)No.16388 of 2024

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.16388 of 2024

22.07.2024