



W.P.(MD)No.17682 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.17682 of 2022

Suppammal

... Petitioner

Vs.

The Sub-Registrar,
Nanguneri,
Tirunelveli District.

.... 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 of the impugned refusal check slip issued by the respondent in Refusal Number:RFL/Nanguneri/21/2022, dated 24.06.2022 and quash the same as illegal and consequently direct the respondent to register the document to be executed by the petitioner without insisting the original document bearing Document No. 391/2012, dated 13.02.2012, within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

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



W.P.(MD)No.17682 of 2022

ORDER

WEB COPY

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip issued by the respondent in Refusal Number:RFL/Nanguneri/21/2022, dated 24.06.2022 and quash the same as illegal and consequently direct the respondent to register the document to be executed by the petitioner without insisting the original document bearing Document No.391/2012, dated 13.02.2012, within a time frame fixed by this Court.

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

3. It is the grievance of the Writ Petitioner that when the petitioner presented the relinquish deed executed in favour of her son for registration, the same was refused to be registered on the ground that the original document has not been produced. Challenging the same, the present Writ Petition has been filed.



W.P.(MD)No.17682 of 2022

4. It is the contention of the petitioner that the parent document, being a family settlement, is with the brother of the petitioner's husband and hence, the petitioner is not able to produce the same before the registering authorities.

5. 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 parent deed has not been produced. In such view of the matter, the impugned refusal slip has to be set aside.



W.P.(MD)No.17682 of 2022

6. Accordingly, this Writ Petition is allowed and the impugned refusal slip of the respondent dated 24.06.2022 stands quashed and the respondent is directed to register the relinquish deed dated 24.06.2022 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.

13.08.2024

NCC : Yes/No
Index : Yes/No
vsm



W.P.(MD)No.17682 of 2022

To
WEB COPY

The Sub-Registrar,
Nanguneri,
Tirunelveli District.



WEB COPY



W.P.(MD)No.17682 of 2022

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.17682 of 2022

13.08.2024