



W.P(MD)No.17138 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.17138 of 2023

P.Balraman

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Sub Registrar,
Registrar Office,
Kannivadi, Dindigul District.

... 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 2nd respondent vide proceedings in check slip Refusal No.RFL/Kannivadi/10/2022, dated 30.11.2022 and quash the same as illegal and against the section and procedure under the Registration Act and to direct the 2nd respondent to register the release deed dated 30.11.2022 executed by the petitioner.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.P.Subbaraj,

Special Government Pleader



W.P(MD)No.17138 of 2023

ORDER

WEB COPY

Challenge has been made to the refusal check slip issued by the 2nd respondent dated 30.11.2022.

2. According to the petitioner, the property in S.No.409/5 at Pandrimalai Village, Dindigul West Taluk, Dindigul District belonged to the mother of the petitioner. After her death, her legal heirs ie., the petitioner, one Ramasamy, Eswari and Senbagadevi are in joint possession of the property in question. In such circumstances, the petitioner and his two sisters decided to execute a release deed in respect of the property in question in favour of their brother, namely, Ramasamy. Therefore, they presented the release deed for registration on 30.11.2022. However, it was refused by the 2nd respondent, vide refusal check slip dated 30.11.2022, on the ground that original document has not been produced. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3. 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***



W.P(MD)No.17138 of 2023

2023, dated 27.06.2023, wherein, the 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.

4.In such view of the matter, the refusal made by the 2nd respondent on the ground that original document has not been produced, cannot be sustained in the eye of law. Therefore, the same is liable to be quashed, accordingly, it is quashed. This Writ Petition is allowed with a direction to the 2nd respondent to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

30.08.2024

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

Yuva



WEB COPY



W.P(MD)No.17138 of 2023

N.SATHISH KUMAR, J

Yuva

To

- 1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.
- 2.The Sub Registrar,
Registrar Office,
Kannivadi, Dindigul District.

W.P(MD)No.17138 of 2023

30.08.2024