



W.P.(MD)No.19556 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19556 of 2024

K.Marimuthu

... Petitioner

Vs

The Sub Registrar,
Pandalgudi,
Virudhunagar 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 to call for the records relating to the refusal slip in RFL/Pandalgudi/3/2024 Sub Registrar, Pandalgudi dated 22.03.2024 and quash the same as illegal and consequently direct the respondent to register the documents presented by the petitioner for registration without insisting for the production of original document and pass such other or further orders as this Court.

For Petitioner	: Mr. K.Marimuthu (Party in Person)
For Respondent	: Mr.C.Satheesh Government Advocate



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ORDER

This Writ Petition has been filed challenging the refusal slip in RFL/Pandalgudi/3/2024, Sub Registrar, Pandalgudi, dated 22.03.2024 and to direct the respondent to register the documents presented by the petitioner for registration without insisting for the production of original document.

2.Heard Mr.K.Marimuthu (Party in Person) for the petitioner and Mr.C.Satheesh, learned Government Advocate appearing for the respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. It is the case of the writ petitioner that the petitioner has purchased the property and when he presented the same for registration on 22.03.2024, the same was refused to register by the respondent since the original document was not produced. It is the grievance of the petitioner that the original document could not be produced since the same was damaged in the power loom.



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5. This issue in hand is no-more res-integra. This Court has already elaborately dealt in the case of ***Federal Bank v Sub Registrar***, reported in **2023 (2) CTC 289** and 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, the Sub-Registrar cannot refuse to register a document merely because the original document has not been produced.

6. Considering the above settled position of law, the Registrar cannot refuse to register the document merely on the ground of non production of original document.

7. In such view of the matter, this writ petition stands allowed and the the impugned order in RFL/Pandalgudi/3/2024, dated 22.03.2024 is set aside. The respondent is directed to register the document presented by the petitioner, within



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a period of one week from the date of receipt of a copy of this order. There shall
be no order as to costs.

16.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To
The Sub Registrar,
Pandalgudi,
Virudhunagar District.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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