



W.P(MD)No.18369 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18369 of 2024

P.Mariappan

... Petitioner

Vs.

The Sub Registrar,
Office of Sub Registrar,
No.1-Joint Sub Registrar,
Palayamkottai,
Tirunelveli District.

... Respondent

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 pertaining to the impugned Refusal slip in Refusal Number RFL/1 Number Joint Sub-Registrar palayamkottai/54/2024 dated 15.07.2024 issued by the respondent and quash the same as illegal and arbitrary and consequently direct the respondent to register the petition deed presented by the petitioner for registration without insisting for the production of the original parent document and patta within the time fixed by this court.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : Mrs.D.Farjana Ghoushia
Special Government Pleader



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ORDER

Heard both sides.

2. The petitioner presented the petition mentioned partition deed for registration. Registration was refused for two reasons:-

(I) Non-production of the partition deed in original.

(ii) Non-production of patta.

Challenging the refusal check slip, this writ petition has been filed.

3. This Court has held in *Sivanadiyan Vs. The Sub Registrar, Pudukottai (2021 2 CTC 526)* that the registering authority cannot insist on production of the parent document in original. The petitioner has enclosed copy of the patta in the typed set of papers. It is in the name of one Madasamy. The petitioner claims that he is his grandfather.

4. In this view of the matter, the impugned refusal check slip is quashed. The matter is remitted to the file of the respondent. The petitioner will produce the patta and if the respondent is satisfied that patta is in the name of his grandfather, registration shall be carried out. The Writ Petition is disposed of accordingly. No costs.

02.08.2024

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

The Sub Registrar,
Office of Sub Registrar,
No.1-Joint Sub Registrar,
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G.R.SWAMINATHAN, J.

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