



W.P.(MD)No.19640 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.19640 of 2024

T.Kamaraj Nadar

... Petitioner

Vs

1. The District Registrar,
O/o. the District Registrar,
Thoothukudi District.

2. The Sub Registrar,
O/o. Sub Registrar,
Udangudi.

... Respondents

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 pertaining to impugned Refusal order RFL/Udangudi/46/2024 dated 05.07.2024 passed by the 2nd respondent and quash the same being illegal, invalid, without jurisdiction and violated the principles of natural justice and contrary to the law and consequently directing the 2nd respondent to register the gift deed submitted by the petitioner in favour of the petitioner's wife, Annathaai, without insisting on the production of the original parental document.



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For Petitioner : Mr. V.Rajiv Rufus
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned Refusal order RFL/Udangudi/46/2024 dated 05.07.2024 passed by the 2nd respondent and to direct the 2nd respondent to register the gift deed submitted by the petitioner in favour of the petitioner's wife, Annathaai, without insisting on the production of the original parental document.

2.Heard Mr.V.Rajiv Rufus, learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents.

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 is the owner of land in Arumuganeri Village, Thiruchendur Taluk, Thoothukudi District. The



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petitioner derived title through partition deed registered as Doc.No.385/1989. In respect of the said property, he has executed a gift deed in favour of his wife and submitted the same for registration before the respondents. However, the same was refused to register by the respondents and issued the impugned refusal check-slip on the ground that original title deed has not been produced.

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.



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7. In such view of the matter, this writ petition stands allowed and the the impugned order in RFL/Udangudi/46/2024 dated 05.07.2024 is set aside. The respondents are directed to register the gift deed presented by the petitioner, within 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
1. The District Registrar,
O/o. the District Registrar,
Thoothukudi District.

2. The Sub Registrar,
O/o. Sub Registrar,
Udangudi.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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