



W.P(MD)No.18822 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18822 of 2023

and

W.M.P.(MD)No.15622 of 2023

Manimegalai

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Sivagangai District.

2.The Sub Registrar,
Ponnamarvathi Sub Registration Office,
Ponnamavarathi,
Sivagangai District.

3.Vairava Pandian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the Refusal Check Slip No.RFL/Ponnamaravathi/41/2023 dated 17.07.2023 issued by the 2nd respondent and quash the same and consequently directing the respondents to register the Sale Deed presented by the petitioner on 17.07.2023 within the time stipulated by this Court.



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For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2.

2.The petitioner presented the petition mentioned sale deed for registration. She is the vendor. The second respondent declined to register the document on the ground that the petitioner has failed to produce the original Will through which the property devolved on her. To this effect, refusal check slip was issued on 17.07.2023. Challenging the same, this writ petition came to be filed.

3.I wanted to know if the third respondent has any claim on the property that is the subject matter of this writ petition. It is seen that the third respondent has filed O.S.No.14 of 2023 on the file of Sub Court, Sivagangai for the relief of specific performance. But the petition mentioned property does not form part of suit schedule. The third respondent may not be a necessary party to this writ petition.



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4.The next question that calls for consideration is whether the second respondent is justified in insisting that the petitioner should produce the original document. The learned counsel for the petitioner states that the original document is with the third respondent and that he is declining to part with the same.

5.It has already been held that the registering authority cannot insist on production of original document for the purpose of registration. This is a well settled proposition.

6.The impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. The second respondent shall receive the same, register it and release it subject to fulfilment of other usual formalities.

7.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2024

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



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The District Registrar,
Office of the District Registrar,
Sivagangai District.
- 2.The Sub Registrar,
Ponnamarvathi Sub Registration Office,
Ponnamavarathi,
Sivagangai District.

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