



WP(MD). No.20286 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 27/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.20286 of 2024
and WMP(MD) No.17208 of 2024**

M.Rajendran,

... Petitioner

Vs

The Sub Registrar,
Office of the Sub Registrar,
Udankudi,
Thoothukudi District.

... Respondent

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus by calling for the entire records pertaining to the refusal check slip issued by the respondent vide Refusal Number RFL/Udankudi/18/2024 dated 12.04.2024 and quash the same and consequently direct him to register the settlement deed presented before him in respect of the property in Survey no. 550, 551/1 Paramankurichi Village, Udankudi, Thoothukudi District and Survey no. 363/14, Kayamozhi Village, Thoothukudi District.

For Petitioner : Mr.P.Saravanan
For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Challenging the impugned refusal slip issued by the respondent dated 12.04.2024 refusing to register the settlement deed presented by the petitioner for registration, the present Writ Petition has been filed.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents R1 & R2 and perused the materials available on record.

4. The case of the petitioner is that the subject property is the self acquired property of the petitioner. While so, when the petitioner intended to settle the property in favour of his brother and executed a settlement deed and presented the same for registration, the same was refused to be registered by the respondent stating non availability of the original documents and an objection has been made by third parties.



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Challenging the same the present Writ Petition.

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5. It is the contention of the petitioner that the respondent cannot pass such refusal. Hence, seeks a direction to the respondents to register the settlement deed presented by the petitioner.

6. It is relevant note that 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 2023, dated 27.06.2023***, wherein, 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 for that refusal cannot be made merely on the objection of third parties. In such view of the matter, the impugned



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refusal slip has to be set aside.

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7. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 12.04.2024 is quashed and the respondent is directed to register the settlement deed presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

27.08.2024

Index : Yes/No
NCC : Yes/No
RR

To
The Sub Registrar,
Office of the Sub Registrar,
Udankudi,
Thoothukudi District.



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N.SATHISH KUMAR,J

**ORDER
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