



W.P.(MD)No.19976 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19976 of 2024
and WMP(MD)No.16954 of 2024

1.R.Thamarai

2.T.Saritha

3.R.Jayanthi

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Registration Department,
Trichy.

2.The Sub Registrar,
Thiruverumbur Sub-Registrar Office,
Registration Department,
Thiruverumbur,
Trichy District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check slip passed by the 2nd respondent in RFL/Thiruverambur/229/2024 dated 05.08.2024 and quash the same and consequently directing the 2nd respondent to register the sale deed



W.P.(MD)No.19976 of 2024

dated 05.08.2024 filed by the petitioners.

WEB COPY

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

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

2. Heard both sides.

3. This writ petition is filed to quash the impugned refusal check slip in RFL/Thiruverambur/229/2024 dated 05.08.2024 and quash the same and consequently direct the second respondent to register the sale deed dated 05.08.2024 filed by the petitioners.

4. The case of the petitioner is that when the petitioners presented a sale deed between the petitioners and one R.Sudhagar, the same was refused to be registered on the ground that the original Parent document has not been produced. Challenging the same, the present Writ Petition has been filed.



W.P.(MD)No.19976 of 2024

WEB COPY

5. It is the contention of the petitioners that the son of the first petitioner namely R.Sathishkumar, is holding the original Parent documents and hence, they are not able to produce the same before the registering authorities.

6. The issue in the present case is no longer a *res integra* in view of the earlier order passed by this Court in the case of ***Federal Bank v. Sub Registrar***, reported in ***2023 (2) CTC 289*** wherein it is 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. In such view of the matter, the impugned refusal slip has to be set aside.



W.P.(MD)No.19976 of 2024

7. Accordingly, this Writ Petition is allowed and the impugned refusal slip of the second respondent 05.08.2024 stands quashed and the second respondent is directed to register the sale deed dated 05.08.2024 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.

21.08.2024
(2/2)

NCC : Yes / No
Index : Yes / No
PJL

To

1.The District Registrar,
Office of the District Registrar,
Registration Department,
Trichy.

2.The Sub Registrar,
Thiruverumbur Sub-Registrar Office,
Registration Department,
Thiruverumbur,
Trichy District.



WEB COPY



W.P.(MD)No.19976 of 2024

N.SATHISH KUMAR , J.

PJL

W.P.(MD)No.19976 of 2024
and WMP(MD)No.16954 of 2024

21.08.2024