



W.P.(MD) No.20940 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.20940 2024

1.P.Ramathilagam
2.P.Kavitha
3.P.Mahalakshmi

...Petitioners

-VS-

1.The Sub Registrar,
Sub Registrar Office,
Paramakudi.

2.Sadhasivam
3.M.A.Muniyasamy

...Respondents

[R3 is impleaded vide order dated 10.09.2024]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 1st respondent in No.RFL/Paramakudi/22/2024 dated 19.08.2024, quash the same as illegal, arbitrary and consequently direct the 1st respondent to register the sale deed dated 12.08.2024 presented by the petitioners in respect of Town Survey Nos.209, 210, 211 and 212, Ward H, Block 19, the Old Ward No.8 and New Ward No.27 presently Ward No.31 (corresponding



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old Survey No.1/345, Vendhoni Village) of Paramakudi Town and Taluk,
Ramanathapuram District within the time frame fixed by this Court.

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For Petitioner	: Mr.R.Paranjothi for M/s.KBS Law Office
For R1	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.S.Sivathilakar

ORDER

This writ petition has been filed challenging the refusal check slip issued by the 1st respondent in No.RFL/Paramakudi/22/2024 and for a consequential direction to the first respondent to register the sale deed dated 12.08.2024 presented by the petitioners in respect of the petition mentioned properties.

2.The case of the petitioners is that the property in question is the ancestral property of the petitioners. After their demise, the petitioners inherited the subject property. While so, there was a dispute with regard to the subject property between the petitioners and one Arumugam and some other third parties and a suit in O.S.No.84 of 2002 has also been filed by the petitioners in this regard and a decree was also obtained in their favour in respect of some of the suit properties. Challenging the



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same, first appeal was also filed in A.S.No.13 of 2013 and a decree was also obtained by the petitioners in respect of the entire suit properties.

Thereafter, the petitioners executed a sale deed in favour of one Abirami in respect of the subject properties. When the same was presented for registration, it was refused to be registered on the ground that original parental deed was not produced. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel for the third respondent submitted that as against the judgment and decree made in the first appeal, the third respondent has filed as second appeal before this court in S.A. (MD)No.SR59773 of 2024 and the same is pending.

4.It is a settled position of law that the Registrar cannot refuse to register the document merely on the ground of non-production of original document. 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***



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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.

5.In the case on hand, as the right with regard to the subject property has been crystallised in favour of the petitioners in view of the decree and judgment made in the original suit as well as the first appeal, mere registration of a document presented by the petitioners with regard to the subject property will not have any impact.

6.In view of the above, this writ petition is **allowed** and the refusal check slip issued by the first respondent in RFL/Paramakudi/22/2024 dated 19.08.2024 is quashed. The first respondent is directed to register the sale deed presented by the petitioners within a period of one week



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from the date of receipt of a copy of this order. However, such registration is subject to the result of the second appeal. Further, it is also made clear that till the disposal of the second appeal, no further alienation shall be made in the subject property based on the registered document. No costs.

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(1/3)

Index : Yes / No
Internet : Yes / No
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To

The Sub Registrar,
Sub Registrar Office,
Paramakudi.



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N.SATHISH KUMAR, J.

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