



WP(MD). No.21795 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.21795 of 2018

Lourdhu Mary

... Petitioner

Vs

1. The Inspector of Registration,
No.100, Santhome High Road, Chennai-28..

2. The District Registrar,,
Sivagangai Registration District Office,
Sivagangai District.

3. The Sub Registrar,,
Sub Registrars Office, Kalaiyarkovil,
Sivagangai District.

... Respondents

PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 3rd respondent to return the sale deed assign with a registration, relating with the lands in S.No.164/4 , measuring 0.23.0 Ares and in S.No.165/5, measuring 0.24.0 Ares in Pallivayal Kundurani @ Pallithamman village in Kalaiyarkovil taluk, executed by its owner in favour of the petitioner and registered on 03/09/2018 before the 3rd respondent and pending before him as



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document No.P: 16 / 2018.

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For Petitioner : M/s.R.Suriya Narayanan,
For Respondents : Mr.P.Subbarah
Special Government Pleader

ORDER

The writ petition has been filed for a direction to the 3rd respondent to return the sale deed assign with a registration, relating with the lands in S.No.164/4 , measuring 0.23.0 Ares and in S.No.165/5, measuring 0.24.0 Ares in Pallivayal Kundurani @ Pallithamman village in Kalaiyarkovil taluk, executed by its owner in favour of the petitioner and registered on 03/09/2018 before the 3rd respondent and pending before him as document No.P: 16 / 2018.

2. According to the petitioner, the land in S.No.164/4 measuring an extent of 0.23.0 Ares and S.No.165/5 measuring 0.24.0 Ares in Pallivayal Kundurani @ Pallithamman village in Kalaiyarkovil taluk belong to one Peter Raj and Packiyaraj by virtue of the registered settlement deed dated 04.09.1991 executed by their mother Silayeth Mary. The petitioner has purchased the property from Silayeth Mary. At the time of presenting the



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document, as the originals could not be produced, as the vendors lost their title, the respondents have not registered the said document. That apart, on the basis of some protest petition filed by a third party, the sale deed has not been registered. Therefore, the petitioner is before this Court with this petition.

3. It is the stand of the respondents that the original documents have not been perused. That apart, a protest petition has been filed by one Edwin Charles. Therefore, the document has not been registered.

4. The issue in hand is no longer res integra in view of the decision in ***Federal Bank and Sub Registrar reported in [(2023) 2 CTC 289]*** wherein, it is held that the registering authority cannot insist for original document. Similarly, in ***Subramani v. Sub Registrar and another [(2024) 3 MLJ 588]***, this Court has elaborately held that filing/pendency of a protest petition is not a ground for not registering the document. Therefore, there shall be a direction to the third respondent to register the document as per law within a period of seven days from the date of receipt of a copy of this order.



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5. The writ petition is disposed of accordingly. No costs.

06.08.2024

RR

TO

1. The Inspector of Registration,
No.100, Santhome High Road, Chennai-28..
2. The District Registrar,,
Sivagangai Registration District Office,
Sivagangai District.
3. The Sub Registrar,,
Sub Registrars Office, Kalaiyarkovil,
Sivagangai District.



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N.SATHISH KUMAR,J

**ORDER
IN
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