



WP(MD). No.21400 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 09/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.21400 of 2024

C.Lokender Kumar
Director,
Tirupati Agro Food and Farm Private Limited
New Delhi.

... Petitioner

Vs

The Sub Registrar,
Tirumangalam Sub Registration Office,
Madurai District.

... Respondent

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondent no. 1 to register the Sale Deed vide no. TP/180150014/2024 dated 24.04.2024 in respect of the petitioners property about an extent of 2 acres, 15 cents comprised in Survey no. 8/1A situated at Mathippanur Bit-I village, Tirumangalam Taluk, Madurai District without insisting to produce the original Sale Deed bearing Document no. 247/2008 dated 03.03.2008 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.J. Lawrance,

For Respondent : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for a mandamus directing the respondent to register the Sale Deed vide no. TP/180150014/2024 dated 24.04.2024 in respect of the petitioners property about an extent of 2 acres, 15 cents comprised in Survey no. 8/1A situated at Mathippanur Bit-I village, Tirumangalam Taluk, Madurai District without insisting to produce the original Sale Deed bearing Document no. 247/2008 dated 03.03.2008 within the time limit that may be stipulated by this Court.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4. I have considered the rival submissions and perused the materials available on record.



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5. The case of the petitioner is that the petitioner is a company.

They have all copies of documents except the original documents. It is their case that the originals have been concealed by one of their staff against whom disciplinary proceedings as well as criminal action have been initiated and he has also been terminated. However, the documents could not be traced. In the meanwhile, when the petitioner presented the documents for sale, the same has been refused to be registered and the respondent is insisting for production of originals. Therefore, the petitioner is before this Court.

6. When the title has not been disputed and all the relevant documents have been produced, merely on the ground of non production of original documents, refusal made on that ground cannot be sustained.

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***



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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 deed has not been produced.

7. Accordingly, this Writ Petition is allowed and the respondent is directed to register the sale deed presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs.

09.09.2024

NCC : Yes/No

Index : Yes/No

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TO

1. The Sub Registrar,
Tirumangalam Sub Registration Office,
Madurai District.



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N.SATHISH KUMAR,J

**ORDER
IN
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