



WEB COPY



W.P.(MD)No.21805 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21805 of 2024

T.P.Sridhar

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai - 600 004.

2.The District Registrar (Administration),
Madurai (North), Madurai District.

3.The Sub Registrar,
Chettikulam, Madurai,
Madurai District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka. No.6502/Aa1/2023 dated 10.11.2023 passed by 2nd respondent and quash the same as illegal and consequently direct the 3rd respondent herein to register the settlement deed to be executed by the petitioner without insisting the original registered Partition Deed in Document No.5028 of 1949 dated 17.11.1949 and Registered Will in Document No.58 of 1961 dated 19.04.1961 in respect of the property comprised in Resurvey No.21/1, Parasurampatti Village, Madurai North Taluk, Chettikulam Sub Division, Madurai District within a time frame fixed by this Court.

For Petitioner

: Mr.R.J.Karthick

For Respondents

: Mr.M.Siddharthan

Additional Government Pleader



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ORDER

This Writ Petition has been filed challenging the order in Na.Ka. No. 6502/Aa1/2023 dated 10.11.2023 refusing to register the settlement deed presented by the petitioner and to direct the respondent to register the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the writ petitioner that the property in question belongs to the father of the petitioner based on the registered Will dated 19.04.1961. After his death, the property devolved upon his legal heirs, namely, the petitioner and his sisters and mother. The sisters of the petitioner had executed a settlement deed in respect of their share in the subject property in favour of the petitioner. When the same was presented for registration, the first respondent refused to register the same on the ground that the original parent document has not been produced. Challenging the same, the petitioner has filed this writ petition.

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



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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.

5. In view of the above, this writ petition is allowed and the refusal order slip issued by the second respondent in Na.Ka.No.6502/Aa1/2023 dated 10.11.2023 is quashed. The third respondent is directed to register the settlement deed presented by the petitioner within a period of one week from the date of receipt of a copy of this order. No costs.

12.09.2024

NCC : Yes/No
Index : Yes/No
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N.SATHISH KUMAR, J.

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