



WP(MD). No.22402 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.22402 of 2024 and
WMP(MD) No.18982 of 2024**

S.Ramasamy

... Petitioner

Vs

1. The Inspector General of Registration,
Santhome,
Chennai - 4..

2. The Sub Registrar,
Sub Registrar Office,
Kovilpatti,
Thoothukudi District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip dated 28.03.2024 in RFL/Kovilpatti/32/2024 issued by the 2nd respondent and quash the same as illegal and consequently directing the 2nd respondent to register the settlement deed dated 22.03.2024 presented by the petitioner.



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For Petitioner : M/s. M.P.Vasandharam,
For Respondent : Mr.P.Subbaraj
Spl. Government Pleader

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 challenging the impugned refusal check slip dated 28.03.2024 in RFL/Kovilpatti/32/2024 issued by the 2nd respondent and to direct the 2nd respondent to register the settlement deed dated 22.03.2024 presented by the petitioner.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

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 when the petitioner presented a settlement deed for registration, the same has been refused to be registered on the ground that originals have not been produced. It is his case that the originals have been with the other 11 purchasers, who purchased the subject property along with the petitioner herein. 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 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



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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 2nd 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. Consequently connected Miscellaneous Petition is closed.

23.09.2024

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TO

1. The Inspector General of Registration,
Santhome,
Chennai - 4..

2. The Sub Registrar,
Sub Registrar Office,
Kovilpatti,
Thoothukudi District..



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N.SATHISH KUMAR,J

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**ORDER
IN
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Date : 23/09/2024