



W.P(MD)No.21382 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21382 of 2023

Selvarani

... Petitioner

Vs.

The Sub Registrar,
Kulithalai Taluk,
Karur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings of the respondent in RFL/Kulithalai/19/2023, dated 23.08.2023 on the file of the respondent herein and quash the same.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.M.Siddharthan,

Additional Government Pleader

ORDER

Challenge has been made to the refusal check slip issued by the respondent dated 23.08.2023.



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2. According to the petitioner, one Kunjammal, Marachi and Lakshmi executed a sale deed in favour of the petitioner in respect of the land in S.F.No.116/21A1 to an extent of 0.15 acres and S.F.No.123/9G to an extent of 0.30 acres. When the sale deed is presented for registration, it was refused by the respondent, vide refusal check slip dated 23.08.2023, on the ground that original document has not been produced. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3. 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, the 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.



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4. In such view of the matter, the refusal made by the respondent on the ground that original document has not been produced, cannot be sustained in the eye of law. Therefore, the same is liable to be quashed, accordingly, it is quashed. This Writ Petition is allowed with a direction to the respondent to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

30.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To
The Sub Registrar,
Kulithalai Taluk,
Karur District.



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N.SATHISH KUMAR, J

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