



WP(MD). No.22430 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23/09/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.22430 of 2024

M.Fathima Beevi

... Petitioner

Vs

The No.1-Joint Sub Registrar,
Joint Sub Registrar Office,
Pudukkottai,
Pudukkottai District..

... Respondent

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 pertaining to the impugned refusal check slip issued by the respondent in refusal No.RFL/1 Joint Sub Registrar pudukkottai/240/2024 dated 05.09.2024 and quash the same on the ground that the same is arbitrary illegal and without any legal basis and consequently directing the respondent to register the document presented by the petitioner for registration without insisting for the production of original parent document in the light of the order made by this Honourable Court in Sivanadiya-Vs-The Sub Registrar Pudukkottai in W.P.(MD).No.19745 of 2020 dated 11.02.2021.



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For Petitioner : Mr.G.Mathavan,
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 refusal No.RFL/1 Joint Sub Registrar pudukkottai/240/2024 dated 05.09.2024 and quash the same on the ground that the same is arbitrary illegal and without any legal basis and consequently directing the respondent to register the document presented by the petitioner for registration without insisting for the production of original parent document in the light of the order made by this Honourable Court in Sivanadiya-Vs-The Sub Registrar Pudukkottai in W.P.(MD).No.19745 of 2020 dated 11.02.2021.

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



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

5. The case of the petitioner is that when the petitioner presented a general power deed in favour of one K.Murali for registration, the same has been refused to be registered on the ground that originals have not been produced. It is his case that when he approached the Village Administrative Officer, the originals have not been traced. 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 power deed presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs.

23.09.2024

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TO

1. The No.1-Joint Sub Registrar,
Joint Sub Registrar Office,
Pudukkottai,
Pudukkottai District..



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N.SATHISH KUMAR,J

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**ORDER
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