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W.P.(MD)No.22563 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22563 of 2024

S.S.Thirumalaikolundhu

... Petitioner

Vs.

The Sub Registrar,
Murappanadu,
Thoothukudi District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent herein to register the document to be presented by the petitioner without insisting the original registered Sale Deed bearing document number 1239 of 1994 dated 27.08.1994 on the file of the respondent in respect of the land in ayan Punja Survey No. 440 in Eden Garden Section - B, No. 14 to the extent of 25 cents situated in Krishnapuram Village, Palayamkottai Union, Tirunelveli District, within a time frame fixed by this Court.

For Petitioner	: Mr.R.J.Karthick
For Respondent	: Mr.P.Subbaraj Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondent to register the document to be presented by the petitioner without insisting the original registered parent document/sale deed.



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2. Heard the learned counsel appearing for the petitioner and the learned Special 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 petitioner by way of the sale deed dated 27.08.1994. He intended to sell the same. Hence, he executed a document in that regard. When he presented the said document for registration, the respondent refused to register the same on the ground that the original parent document has not been produced. Aggrieved over 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 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



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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 respondent is directed 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.

24.09.2024

NCC : Yes/No

Index : Yes/No

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To

The Sub Registrar,
Murappanadu,
Thoothukudi District.



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N.SATHISH KUMAR, J.

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