



W.P(MD)No.22703 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.22703 of 2024

and

W.M.P.(MD)No.19263 of 2024

D.Thangaponnu @ Thangammal

... Petitioner

Vs.

1.The District Registrar,
Thiruchirappalli.

2.The Sub Registrar,
Manachanallur,
Thiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned refusal check slip dated 10.09.2024 of the second respondent in respect of lands in S.No.261/29 in S.Kannanur West Village, Manachanallur Taluk, Thiruchirappalli District, belonging to the petitioner herein and quash the same and consequently direct the second respondent to register the settlement deed dated 10.09.2024 executed by the petitioner.

For Petitioner : Mr.R.Rajeshkumar

For Respondent : Mr.P.Subbaraj

Special Government Pleader



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ORDER

Challenge has been made to the refusal check slip issued by the 2nd respondent dated 10.09.2024.

2.Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.It is the grievance of the petitioner that the petitioner was the absolute owner of the subject property and when she presented the settlement deed dated 10.09.2024, which is executed in favour of her daughter, namely, Kavitha, it was refused by the second respondent, vide refusal check slip dated 10.09.2024 on the ground that original document has not been produced. Therefore, challenging the same, the petitioner has filed this Writ Petition.

4.The issue raised in this Writ Petition is no longer *res-integra*, in view of the judgment rendered by this Court in the case of ***Subramani vs. the Sub Registrar and others*** [WP.No.11056 of 2024, dated 26.04.2024], in which it has been held as follows:



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“c. With regard to the refusal on the absence of parent document, this Court in the case of K.S. Vijayendran v. The Inspector General of Registration reported in (2011) 2 LW 648, Lakshmi Ammal v. The Sub Registrar, Villivakkam reported in 2015 SCC OnLine Mad 5868 and C. Moorthy v. Sub Registrar Aruppukottai reported in 2018 SCC OnLine Mad 3898, it was held that absence of a parent document is no ground to refuse registration. Pursuant to these judgments, sub-rule XX was introduced in Rule 162 authorizing the Sub-Registrar to refuse registration for non-production of the original title deed as required by Rule 55-A. 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 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.

Considering the above settled position of law, the Registrar cannot refuse to register the document merely on the ground of non production of parent document.”

5.In such view of the matter, the refusal made by the second 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 second respondent to register the document presented by the petitioner, within a



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period of one week from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petition is closed.

24.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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N.SATHISH KUMAR, J.

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To

- 1.The District Registrar,
Thiruchirappalli.
- 2.The Sub Registrar,
Manachanallur,
Thiruchirappalli District.

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24.09.2024