



W.P.(MD)No.22695 & 22697 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)Nos.22695 & 22697 of 2024

Chandra

... Petitioner in both petitions

Vs.

The Joint Registrar No.I,
Palayamkottai,
Tirunelveli District.

.... Respondent in both petitions

PRAYER IN W.P.(MD)No.22695 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned Refusal Check Slip issued by the respondent in Refusal Number. RFL/Joint Registrar No.I/83/2024 dated 11.09.2024 and quash the same as illegal and consequently direct the respondent to register the release deed dated 05.09.2024 with regard to the survey number. 210/1B bearing patta number. 4261 measuring 61.75 cents situated at Keelanatham Village, Palayamkottai Taluk, Tirunelveli District within a time frame fixed by this Court.

PRAYER IN W.P.(MD)No.22697 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned Refusal Check Slip issued by the respondent in Refusal Number. RFL/I Joint Registrar, Palayamkottai/84/2024 dated 11.09.2024 and quash the same as illegal and consequently direct the



W.P.(MD)No.22695 & 22697 of 2024

respondent to register the settlement deed dated 05.09.2024 with regard to the survey number. 210/1B bearing patta number. 4261 measuring to an extent of 12.35 cents out of which 61.75 cents situated at Keelanatham Village, Palayamkottai Taluk, Tirunelveli District within a time frame fixed by this Court.

In both petitions:

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

COMMON ORDER

These Writ Petitions have been filed challenging the refusal check slip issued by the respondent in Refusal Number. RFL/Joint Registrar No.I/83/2024 dated 11.09.2024 and Refusal Number.RFL/I Joint Registrar, Palayamkottai/84/2024 dated 11.09.2024, respectively and consequently direct the respondent to register the release deeds, dated 05.09.2024 with regard to subject property.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents in both petitions. By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

3.It is the case of the writ petitioner in both petitions that the subject property originally belonged to the father of the petitioner. After his demise, the



petitioner and his brothers and sisters are jointly enjoying the property. While so, the sisters of the petitioner executed a release deeds in favour of the petitioner with regard to their share in the subject property. When the petitioner presented the same 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 these writ petitions.

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 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.



W.P.(MD)No.22695 & 22697 of 2024

5. In view of the above, these writ petitions are allowed and the refusal check slips issued by the respondent in RFL/Joint Registrar No.I/83/2024 dated 11.09.2024 and Refusal Number. RFL/I Joint Registrar, Palayamkottai/84/2024 dated 11.09.2024 are quashed. The respondent is directed to register the documents 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 Joint Registrar No.I,
Palayamkottai,
Tirunelveli District.



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W.P.(MD)No.22695 & 22697 of 2024

N.SATHISH KUMAR, J.

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W.P.(MD)Nos.22695 & 22697 of 2024

24.09.2024