



W.A.(MD).No.2392 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD).No.2392 of 2024

N.Arun Prakash

... Appellant/Petitioner

Vs.

1.The Joint Sub Registrar – 1,
Office of the Joint Sub Registrar -1,
Pudukkottai,
Pudukkottai District.

2.Selvaraj

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow this Writ Appeal by setting aside the order passed in W.P.(MD).No.19396 of 2021 dated 07.07.2022.

For Appellant	: Mr.N.Dilip Kumar for Mr.S.Vishnuvardhan
For R-1	: Mr.S.P.Maharajan Special Government Pleader
For R-2	: Mr.M.S.Jeyakarthick



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JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order of the learned Single Judge in W.P.(MD).No.19396 of 2021 dated 07.07.2022.

2. When the appellant herein had produced a settlement deed dated 23.07.2021 before the first respondent herein for registration, the first respondent sought for production of the original title documents, which prompted him to file a Writ Petition in W.P.(MD).No.19396 of 2021.

3. The learned Single Judge, through his order dated 07.07.2022, had gone into the factual aspects put forth by the parties and had come to the conclusion that the appellant's father had played fraud before the Registering Authority by attempting to register the document.

4. The issue regarding the powers of the Registering Authority to refuse registration by insisting the party to produce the original title deeds, had come up for consideration recently before a Coordinate Bench of this Court in the



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case of ***P.Pappu Vs. Sub Registrar, Rasipuram SRO, Rasipuram, Namakkal***

District in ***W.A.No.1160 of 2024*** and by an order dated 27.09.2024, the Coordinate Bench had held that the Registering Authority cannot insist for production of such original title deeds. As a matter of fact, the Coordinate Bench had also made an observation stating that the Registering Authorities are always in possession of the earlier registered title deeds and the certified copies of those deeds can be used for such verification. In view of the decision of the Coordinate Bench of this Court in *P.Pappu's* case (supra), the order of the learned Single Judge, cannot be sustained.

5. Accordingly, the order passed in W.P.(MD).19396 of 2021 dated 07.07.2022 is set aside. Consequently, there shall be a direction to the first respondent herein to release the appellant's pending document in Doc.No.98/2021 dated 23.07.2021 forthwith, in any event, within a period of two (2) weeks from the date of receipt of a copy of this order. Insofar as the objection of the second respondent herein is concerned, it is always open to him to work out his remedies in accordance with law, in case he has any legal claim over the property.



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6. The Writ Appeal stands allowed accordingly. There shall be no order

as to costs.

(M.S.R.,J.) (N.S.,J.)
09.12.2024

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

To

The Joint Sub Registrar – 1,
Office of the Joint Sub Registrar -1,
Pudukkottai,
Pudukkottai District.



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and
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