



W.P(MD).No.23292 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.23292 of 2024

N.Victoria

... Petitioner

Vs.

The Sub-Registrar,
Joint-II Sub-Registrar Office,
Tirunelveli.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Check Slip issued by the respondent in Refusal Number RFL/Tirunelveli Joint II/53/2024 dated 23.09.2024 and quash the same as illegal and consequently direct the respondent to register the document to be executed by the petitioner without insisting the original document bearing Document No.727/1993, 736/1993 dated 19.05.1993 and 24.05.1993 within a time frame fixed by this Court.

For Petitioner : Mr.M.Rahul Kumar

For Respondent : Mr.P.Subbaraj,
Spl. Government Pleader.



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ORDER

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With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.Challenge has been made to the refusal slip issued by the respondent in RFL/Tirunelveli Joint II/53/2024 dated 23.09.2024 and to direct the respondent to register the document to be executed by the petitioner without insisting the original document bearing Document Nos.727/1993 and 736/1993 dated 19.05.1993 and 24.05.1993 respectively.

3.It is the case of the writ petitioner that the petitioner is the owner of the property. When he executed a settlement deed in favour of his daughters and when the same was presented for registration before the respondent, the document was refused to be registered on the ground that the original documents were not produced. The original documents are with his son and his son is causing hindrance without giving the same to the petitioner. Hence, the petitioner is not in a position to produce the original document.



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4.The issue raised in this writ petition is no longer *res integra*. 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.

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

6.In such view of the matter, the impugned refusal check slip is quashed. The respondent is directed to register the settlement deed presented by the



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petitioner, within a period of one week from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is allowed. No costs.

30.09.2024

NCC : Yes/No
Index : Yes/No
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To:

The Sub-Registrar,
Joint-II Sub-Registrar Office,
Tirunelveli.



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N.SATHISH KUMAR, J.

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