



W.P(MD)No.22763 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22763 of 2023
and W.M.P(MD)No.19028 of 2023

Kannammal

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai

2.The Joint Sub-Registrar Office,
Thanjavur,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned refusal check slip issued by the 2nd respondent bearing its No. RFL/1 No.Joint Sub-Registrar Thanjavur/161/2023 dated 31.08.2023 and quash the same and consequently direct the 2nd respondent to register the sale deed presented on 31.08.2023 for registration without insisting for production of the original parent deed.

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.C.Satheesh



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Government Advocate

ORDER

Heard both sides.

2. The petitioner along with her siblings Kavidha and Balamurugan executed the petition mentioned sale deed in favour of one Kuppusamy. The document was presented for registration. The 2nd respondent declined to entertain the same and issued the impugned refusal check slip on the ground that the parent deed has not been produced. Challenging the same, this Writ Petition came to be filed.

3. The learned counsel for the petitioner reiterated all the contentions setting out in the affidavit filed in support of this Writ Petition and called upon this Court to set aside the same and grant the relief as prayed in this writ petition.

4. Per contra, the learned Additional Government Pleader submitted that the impugned order does not warrant interference as the reason for refusal is well founded.

5. I have carefully considered the rival submissions and went through the materials available on record.



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6. The sale deed dated 23.08.2023 executed by petitioner and two others in favour of one Duraisamy refers to the document dated 17.05.1953 executed in favour of his grand-father Duraisamy and the document number is 1052/1953. As rightly pointed out by the learned Additional Government Pleader, atleast certified copy of the document ought to have been enclosed.

7. The petitioner and her siblings filed O.S.No.103 of 1997 on the file of the District Munsif Court, Thanjavur for the relief of declaration and recovery of possession. That suit was dismissed on 12.09.2003. But they succeeded before the appellate court in A.S.No.71 of 2003, on the file of the Principal District Judge, Thanjavur. The defendant preferred S.A(MD)No.890 of 2006 but the same was dismissed on 26.07.2018. Thereafter, the petitioner and his siblings filed E.P.30 of 2019 on the file of the Additional District Munsif Court, Thanjavur and obtained delivery of possession. The copy of the order dated 28.02.2023 passed in E.P.30 of 2019 has been enclosed in the typed set of papers.

8. In these circumstances, the authority of the petitioner and her siblings to execute the document cannot be questioned. The order impugned is set aside. The executants of the document are permitted to re-present the same. They



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shall enclose the certified copy of the parent document. The 2nd respondent shall receive the same and register it subject to usual formalities.

9. This Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2024

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
CM

To

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai

2.The Joint Sub-Registrar Office,
Thanjavur,
Thanjavur District.



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G.R.SWAMINATHAN, J.

CM

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and W.M.P(MD)No.19023 of 2023

22.02.2024