



W.P(MD)No.23189 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23189 of 2021

G.Chandran

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Manachallur Taluk,
Trichy District.

2.The Inspector of Police,
District Crime Branch,
Subramaniapuram,
Trichy.

3.Vimala

4.O.V.K.Periyakaruppan

5.P.M.Parasuraman

6.B.A.Gurumurthi @ Saravanakumar

7.B.Muthukumaran

8.T.Sasikumar

9.M.Saravana Perumal

10.G.Jothiswaran

11.T.Velmurugan

... Respondents

(R5 to R11 are impleaded vide order of this Court dated 15.07.2022 in WMP(MD)No.3112 of 2022.)



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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 pursuant to the 1st respondent impugned Refusal Slip in RFL/MANNACHANALLUR/224/2021 dated 01.11.2021 and quash the same and consequently direct the 1st respondent to register the document presented by the petitioner in the name of 3rd and 4th respondents without insisting for the production of original parent document in approved Aadhi City layout Plot Nos.14, 15, 16, 16-B, 18, 19, 20, 23, 24, 25, 25-B, 27, 28, 29, 52-A, 52-B, 56, 57, 58, 59, 60, 65 in S.No.145/6, Theerampalayam Village, Manachanallur Taluk, Trichy District in accordance with law and thus render justice.

For Petitioner : Mr.G.Jeremiah John

For Respondents : Mr.P.Subbaraj (R1)

Special Government Pleader

Mr.M.Vaikkam Karunanithi (R2)

Government Advocate

Mr.K.Venkatesan (R3 & R4)

Mr.A.Rahul (R5)

ORDER

Challenge has been made to the refusal check slip issued by the first respondent dated 01.11.2021.

2.It is the grievance of the petitioner that he is the absolute owner of the property and when he presented the sale deed executed in favour of the



respondents 3 and 4, it was refused by the first respondent, vide refusal check slip dated 01.11.2021 on the ground that original document has not been produced. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.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:

“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.



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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.”

4.In such view of the matter, the refusal made by the first 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 first respondent to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

09.09.2024

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

- 1.The Sub Registrar,
Sub Registrar Office,
Manachallur Taluk,
Trichy District.

- 2.The Inspector of Police,
District Crime Branch,
Subramaniapuram,
Trichy.



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N.SATHISH KUMAR, J.

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