



W.P.(MD)No.23938 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.(MD)No.23938 of 2024**

Gunalan

... Petitioner

Vs.

The Sub Registrar,  
Registration Department,  
Valliyoor, Tirunelveli District.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip in RFL/Valliyoor/19/2023 dated 18.10.2023 issued by the respondent and quash the same and consequently direct the respondent to register the sale deed dated 01.03.2023 (P.30/2023) in respect of the property comprised in Survey No.1283/1A in Patta No.497 at South Valliyoor, Part-I, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.S.Vinyak  
For Respondent : Mr.P.Subbaraj  
Special Government Pleader



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## ORDER

Challenging the impugned check slip issued by the respondent dated 18.10.2023, this writ petition has been filed.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he inherited 1/8<sup>th</sup> undivided share in the property in question from his father vide settlement deed dated 01.09.2004. Thereafter, he intended to sell his property in favour of one Subalakshmi. In this regard, when the document was presented for registration before the respondent, the same was refused by register on the ground that they were not able to find out the original document. Hence, the petitioner is before this Court.

4. 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:



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*“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.*

*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.”*

In the light of the above settled provision of law, the refusal made by the respondent cannot be sustained in the eye of law.



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**N.SATHISH KUMAR, J.**

*Rmk*

5. Accordingly, this writ petition stands **allowed** and the impugned check slip passed by the respondent dated 18.10.2023 in RFL/Valliyoore/19/2023 is hereby set aside. The respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of copy of this order. No costs.

**14.10.2024**

Index : Yes / No

NCC : Yes / No

*Rmk*

*To*

The Sub Registrar,  
Registration Department,  
Valliyoore, Tirunelveli District.

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