



W.P(MD)No.23788 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23788 of 2024

Amutha Rajendran

... Petitioner

Vs.

The Sub Registrar,
Kayathar, Thoothukudi 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 respondent in Refusal Number: RFL/Kayathar/20/2024 dated 24.09.2024 and quash the same as illegal, consequently direct the respondent to register the sale deed dated 24.09.2024 presented by the petitioner for registration on 24.09.2024 in respect of the property in Survey No.134/1 and 167/2B for an extent of 4.18.50 hectares situated at Thennampatti Village, Kayathar Taluk, Thoothukudi District within a time frame.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondent : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned order in Refusal Number: RFL/Kayathar/20/2024 dated 24.09.2024 issued by the respondent refusing the document submitted by the petitioner on the ground of parent document has not been produced.

2. Heard Mr.C.Mayil Vahana Rajendran, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, who takes notice on behalf of the respondent. By consent, this writ petition has been taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that the subject property belongs to him. He intended to sell his property in favour of one Gurumoorthy. In this regard, when the document was presented for registration, the same was refused by the respondent on the ground that parent document has not been produced. Aggrieved by the same, 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:

“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 impugned refusal slip cannot be sustained in the eye of law.



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N.SATHISH KUMAR, J

Rmk

5. Accordingly, the impugned refusal order passed by the respondent in Refusal Number: RFL/Kayathar/20/2024 dated 24.09.2024, is set aside and this writ petition is **allowed**. The respondent is directed to register the document presented by the petitioner within a period of seven days from the date of receipt of a copy of this order. No costs.

04.10.2024

NCC : Yes / No

Index : Yes / No

Rmk

To

The Sub Registrar,
Kayathar, Thoothukudi District.

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