



W.P.(MD)No.24047 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24047 of 2024

Ashok

. . . Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Woraiyur Sub Registrar Office,
Trichy.

... 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 relating to the impugned refusal check slip issued by the respondent vide No.RFL/Woraiyur/124/2024 dated 08.07.2024 and quash the same as illegal and unconstitutional and consequently direct the respondent to register the document submitted by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu

For Respondent : Mr.C.Satheesh
Government Advocate



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ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent vide No.RFL/Woraiyur/124/2024 dated 08.07.2024 with consequential direction to the respondent to register the document submitted by the petitioner within the time stipulated by this Court.

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

3. It is the case of the petitioner that when the sale deed executed by one Sivaramakrishnan in respect of his house property pursuant to the decree granted in O.S.No.104 of 2013 on the file of the II Additional District Court, Trichy, was presented before the respondent for registration, the same was refused by register on the ground of parent document has not been produced. Challenging 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 respondent cannot insist for production of original parent document.



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N.SATHISH KUMAR, J

Rmk

5. Accordingly, the impugned refusal check slip issued by the respondent vide No.RFL/Woraiyur/124/2024 dated 08.07.2024 issued by the respondent is hereby set aside and this Writ Petition is **allowed**. The respondent is directed to register the petition mentioned document within a period of seven days from the date of receipt of a copy of this order. No costs.

14.10.2024

NCC : Yes / No

Index : Yes / No

Rmk

To

The Sub Registrar,
Office of the Sub Registrar,
Woraiyur Sub Registrar Office,
Trichy.

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