



WP(MD). No.24600 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.24600 of 2024
and WMP(MD) No.20943 of 2024**

M. Gandhi Selwyn

... Petitioner

Vs

1. The District Registrar,
O/o. the District Registrar Office,
Tenkasi, Tenkasi District..

2. The Sub-Registrar (Joint-I),
O/o. the Sub-Registrar (Joint-I) Office,
Tenkasi, Tenkasi District.

... Respondents

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 relating to the impugned Refusal Check Slip issued by the 2nd respondent in his proceedings in No.RFL / 1/ En Inai Saarpathivalar Tenkasi / 62/2024 dated 07.10.2024 and quash the same as illegal and consequentially to direct the 2nd Respondent to register the Gift Deed presented by the petitioner in temporary No. TP / 196756618/ 2024 dated 07.10.2024 within the period that may be stipulated by this Honble Court and pass such further or other orders as this Honble Court



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may deem fit and proper in the circumstances of this case and thus render
justic

For Petitioner : Mr.V.Karthikraja
for M/s. Ajmal Associates
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

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

2. Challenging the impugned refusal slip issued by the 2nd
respondent dated 07.10.2024 refusing to register the document presented
by the petitioner for registration on the ground that the originals have not
been produced, the present Writ Petition has been filed.

3. The case of the petitioner is that the subject property was
purchased by the petitioner by way of registered sale deed in the year
2008. While so, when the petitioner intended to execute a gift deed in
favour of this wife and presented the same for registration, the same was
refused to be registered by the respondents stating non availability of the
original documents. Challenging the same the present Writ Petition.



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4. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. It is the contention of the petitioner that the respondents cannot pass such refusal. He further contended that the petitioner presented the certified copy of the original sale deed. Hence, seeks a direction to the 2nd respondent to register the settlement deed. presented by the petitioner.

6. It is relevant note that 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



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cannot refuse to register a document merely because the original parent deed has not been produced. In such view of the matter, the impugned refusal slip has to be set aside.

7. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 07.10.2024 is hereby quashed and the respondents are directed to register the document presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

19.10.2024

NCC : Yes/No
Index : Yes/No

RR

TO

1. The District Registrar,
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2. The Sub-Registrar (Joint-I),
O/o. the Sub-Registrar (Joint-I) Office,
Tenkasi, Tenkasi District..



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N.SATHISH KUMAR,J

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**ORDER
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