



W.P.(MD).No.24446 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM:

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

**W.P.(MD)No.24446 of 2024**

Reslin Raj

... Petitioner

Vs.

The Joint Sub Registrar,  
Moolakaraipatti,  
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 issued by the respondent made in No.RFL/மூலக்கரைப்பட்டி/69/2024 dated 07.10.2024 and quash the same as illegal, consequently, direct the respondent to register the sale deed dated 01.10.2024 presented for registration on 01.10.2024 executed in favour of one Arumuga Perumal, S/o.Duraipandi Nadar in respect of 3 plots in Nos.35,36 & 37 measuring to an extent of 1271.25 sq.ft, 1222.50 sq.ft and 1625 sq.ft respectively comprised in S.No.402/2 situated at Annai Nagar, Sathankulam Village, Nanguneri Taluk, Tirunelveli District within a time frame.

For Petitioner : Mr.T.Leninkumar

For Respondent : Mr.M.Siddharthan

Additional Government Pleader



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## **ORDER**

Challenging the impugned refusal check slip issued by the respondent dated 07.10.2024, 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 is the absolute possession and enjoyment of the property in Plot Nos.35, 36 and 37 measuring to an extent of 1271.25 sq.ft, 1222.50 sq.ft and 1625 sq.ft in S.No.402/2 situated at Annai Nagar, Sathankulam Village, Nanguneri Taluk, Tirunelveli District and he decided to sell that property in favour of one Arumuga Perumal. In this regard, when the document was presented for registration before the respondent, the same was refused by register on the ground that original document has not been produced. 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***



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**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 refusal made by the respondent cannot be sustained in the eye of law.



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5. Accordingly, this Writ Petition stands **allowed** and the impugned check slip passed by the respondent dated 07.10.2024 in No.RFL/மூலக்கரைப்பட்டி/69/2024 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.

**18.10.2024**

Index : Yes / No

NCC : Yes / No

*Rmk*

*To*

The Joint Sub Registrar,  
Moolakaraipatti,  
Tirunelveli District.



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**N.SATHISH KUMAR, J.**

*Rmk*

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**18.10.2024**