



WP(MD). No.24625 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/10/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24625 of 2024

T.Raja Meyyappan

... Petitioner

Vs

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai 600 028.

2. The Sub Registrar,
Devakottai Sub -Registrar Office,
Devakottai,
Sivagangai 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 pertaining to the impugned check slip in RFL/Devakottai/113/2024 dated 07.10.2024 issued by the 2nd respondent and quash the same as illegal and consequently directing the 2nd respondent to accept and register the sale deed document presented by the petitioner without insisting on the production of the original parent partition deed vide Doc.No. 813/2000 dated 15.05.2000.

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For Petitioner : Ms.P.Kalaiyarasi Bharathi
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 the ancestral petitioner and by way of registered partition deed in the year 2000, the petitioner is enjoying the property in question. While so, when the petitioner intended to sell Flat No.2 and in order to register the said property, he presented the same for registration, the same was refused to be registered by the 2nd respondent 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 originals. Hence, seeks a direction to the 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 2nd respondent is 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.

19.10.2024

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TO

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai 600 028.

2. The Sub Registrar,
Devakottai Sub -Registrar Office,
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N.SATHISH KUMAR,J

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