



WP(MD). No.24651 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24651 of 2024

1. V.Vellaiyammal,

2. R. Ashtalakshmi

... Petitioners

Vs

1. The District Registrar,
Madurai North Registration District,
Madurai District..

2. The Sub Registrar,
Melur West Sub Registrar Office,
Madurai District..

... Respondents

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 from the 1st respondent connection with the impugned order passed in RFL/Melur West/24/2024 dated 04/10/2024 and set aside the same and consequently direct the 2nd respondent register the document presented by the petitioners without insisting of original document.



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For Petitioner : M/s.M. Divakaran
For Respondent : 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 respondent dated 04.10.2024 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 petitioners is that the subject property was the ancestral property of the petitioners and after the death of 2nd petitioner's father, the property devolved upon her and her mother. While so, when they intended to settle the property in favour of the 2nd petitioner's son and in order to register the said property, 2nd petitioner presented the document for registration, the same was refused to be registered by the 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 petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. It is the contention of the petitioners that the respondents cannot pass such refusal. He further contended that the petitioners presented the certified copy of the originals. Hence, seeks a direction to the respondents 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 04.10.2024 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.

19.10.2024

RR

TO

1. The District Registrar,
Madurai North Registration District,
Madurai District..

2. The Sub Registrar,
Melur West Sub Registrar Office,
Madurai District..



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N.SATHISH KUMAR,J

RR

**ORDER
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