



**WP(MD). No.24636 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.24636 of 2024**

K.Kishore Kumar

... Petitioner

**Vs**

The Sub Registrar,  
Sub Registrar Office,  
Karuppayoorani,  
Madurai..

... Respondent

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 impugned refusal check slip passed by the respondent through its proceedings in RFL/Karuppayoorani/138/2024 dated 20.09.2024 and to quash the same and further directing the respondent to register the same.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For Respondent : Mr.P.Subbaraj  
Special Government Pleader





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

5. It is the contention of the petitioner that the respondent 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 20.09.2024 is hereby quashed and the 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**

**RR**

TO

1. The Sub Registrar,  
Sub Registrar Office,  
Karuppayoorani,  
Madurai..



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**N.SATHISH KUMAR,J**

**RR**

**ORDER  
IN  
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