



WP(MD). No.24684 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.24684 of 2024

Jaisankar @ Jayasankaran

... Petitioner

Vs

**The Sub Registrar,
Kaadhakinaru Sub Registrar Office,
Madurai District..**

... Respondent

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondent to register the document presented by the petitioner in TP/196396462/2024 dated on 30.09.2024 for registration without insisting for the production of original parent document within the period that may be stipulated by this Court.

For Petitioner : Mr.G.Chezhiyan

**For Respondent : Mr.P.Subbaraj
Special Government Pleader**



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ORDER

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

2.The writ petition has been filed for a mandamus to direct the respondent to register the document presented by the petitioner in TP/196396462/2024 dated on 30.09.2024 for registration without insisting for the production of original parent document within the period that may be stipulated by this Court.

3. It is the case of the petitioner that he has produced a settlement deed dated 30.09.2024 for registration before the respondent, the same has been neither registered nor an order has been passed. Hence, the petitioner is before this Court.

4. I have considered the rival submissions and perused the materials available on record.



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5. It is stated that original documents have not been furnished.

According to the petitioner, the original documents are with the co-owner and they had not handed over the same to the petitioner. Therefore, the petitioner presented the certified copy of the original sale deed. Hence, seeks a direction to the respondent to register the settlement deed.

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 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.



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7. Accordingly, this Writ Petition is allowed 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

1. The Sub Registrar,
Kadhakinaru Sub Registrar Office,
Madurai District..



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N.SATHISH KUMAR,J

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**ORDER
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