



WP(MD). No.24609 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/10/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24609 of 2024

Sethu Madhavan

... Petitioner

Vs

The Sub Registrar,
Sub Registrar Office,
Annavaasal,
Pudukkottai 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 in Refusal No.RFL/Annavaasal/139/2024 dated 10.10.2024 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the Respondent to register the document presented by the Petitioner for registration without insisting for the production of original parent document in the light of the order made by this `ble Court in M.Ariyanatchi -Vs- The Inspector General made in W.A.(MD)No.856 of 2023 dated 27.06.2023 within time stipulated by this Court.



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For Petitioner : Mr.G.Mathavan
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 10.10.2024 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 purchased by the petitioner by way of registered sale deed in the year 2001. While so, when the petitioner intended to sell the said property and he presented the same 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 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 10.10.2024 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

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TO

1. The Sub Registrar,
Sub Registrar Office,
Annavasal,
Pudukkottai District..



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N.SATHISH KUMAR,J

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**ORDER
IN
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