



WP(MD). No.25066 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.25066 of 2024

Perumal

... Petitioner

Vs

The Sub Registrar,
Sub Registrar Office,
Veerasingamani,
Tenkasi District..

... 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 the impugned Refusal Number. RFL/Sub Registrar, Veerasikamani/112/2024, dated 14.10.2024 issued by the respondent quash the same and consequently direct the respondent herein to register the Settlement Deed dated 01.10.2024 presented by the petitioner without insisting production of original title documents.

For Petitioner : Mr.V.S. Kumara Guru
For Respondent : Mr.C.Satheesh
Government Advocate



WEB COPY



WP(MD). No.25066 of 2024

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 14.10.2024 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 petitioner purchased the subject property in the year 1990 through sale deed dated 04.06.1990 and now, he intended to settle the subject property in favour of his son. Pursuant to the same, when he 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.

4. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the



WP(MD). No.25066 of 2024

materials available on record.

WEB COPY

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 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 cannot refuse to register a document merely because the originals have not been produced. In such view of the matter, the impugned refusal slip



WP(MD). No.25066 of 2024

has to be set aside.

WEB COPY

7. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 14.10.2024 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.

23.10.2024

RR

TO

1. The Sub Registrar,
Sub Registrar Office,
Veerasingamani,
Tenkasi District..



WEB COPY



WP(MD). No.25066 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.25066 of 2024**

Date : 23/10/2024