



WP(MD). No.25031 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22/10/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.25031 of 2024

A. Edvin

... Petitioner

Vs

1. The District Registrar (Administration),
Office of the District Registrar,
Tirunelveli District,
Tirunelveli.

2. The Sub Registrar,
Sub Registration Office,
Mukkudal,
Tirunelveli District.

... Respondents

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 pertaining to the impugned Refusal Check Slip issued by the 2nd respondent in No. REL/Mukkudal/60/2024 dated 26.09.2024 and quash the same as illegal and unconstitutional and consequently directing the 2nd respondent to register the sale deed presented by the petitioner and the release the same within a time stipulated by this Court.



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For Petitioner : Mr.G Chandru
For Respondents : 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 2nd respondent dated 26.09.2024 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 intended to purchase the subject property by way of registered sale deed from one Balasubramanian and when the 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 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 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 originals have 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 26.09.2024 is hereby quashed and the 2nd 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.

22.10.2024

RR

TO

1. The District Registrar (Administration),
Office of the District Registrar,
Tirunelveli District,
Tirunelveli.

2. The Sub Registrar,
Sub Registration Office,
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N.SATHISH KUMAR,J

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