



W.P.(MD)No.25470 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25470 of 2024

Elisapeth Rani

: Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Tirunelveli.

2.The Sub Registrar,
Sub Registrar Office,
Gangaikondan,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip in Refusal Number RFL/Gangaikonadan/88/2024 dated 14.10.2024 and quash the same as illegal and consequently direct the second respondent to register the sale deed of the petitioner in Temporary File Number TP/197568942/2024 dated 14.10.2024 within a period that may be stipulated by this Court.



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For Petitioner : Mr.J.Arul Prakash

For Respondents 1&2 : Mr.M.Siddharthan

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned Refusal Check Slip dated 14.10.2024 issued by the second respondent. The second respondent has refused to register the release deed presented by the petitioner for registration on the ground that she did not produce the parent original title deeds and she did not produce the legal heirship certificate for deceased Jeyakumar.

2.The law is now well settled as rendered by various decisions of this Court that there is no necessity to produce the original parent document as none of the provisions of the Registration Act or the Rules contemplating registration requires the party appearing before him while presenting the document for registration to produce the original title deeds [parent document] relating to the property so as to satisfy the Registrar about the ownership of the executant in respect of the property.

3.By total non-application of mind to the well settled law, the second respondent under the impugned order has rejected the



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registration of the sale deed presented by the petitioner for registration on the ground that the petitioner did not produce the original parent document. Apart from the said reasons, the second respondent has also refused to register the document on the ground that the petitioner did not produce the legal heirship certificate for the deceased Jeyakumar.

4.Learned Counsel for the petitioner, on instructions, would submit that the petitioner is willing to produce the legal heirship certificate for the deceased Jeyakumar. The said undertaking given by the petitioner is recorded.

5.In view of the well settled law that there is no necessity to produce the parent original title deed at the time of presentation of document for registration, the first reason given by the second respondent for refusing to register the petitioner's document is set aside by this Court. However, insofar as the second reason of production of legal heirship certificate as required by the Registrar for the deceased Jeyakumar is concerned, the petitioner shall produce the same before the second respondent and only on receipt of the same, the second respondent shall register the documents namely the sale deed presented by the petitioner for registration.



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6.For the foregoing reasons, the impugned order is quashed and the writ petition is disposed of, by issuing the following directions:

a) the second respondent shall register the sale deed presented by the petitioner for registration without insisting upon the production of the original parent documents pertaining to the property.

b) the petitioner shall produce legal heirship certificate as requested by the second respondent for the deceased Jeyakumar and only on receipt of the same, the second respondent shall register the sale deed presented by the petitioner for registration.

c) the second respondent shall on production of the legal heirship certificate as referred to supra by the petitioner shall register the sale deed presented by the petitioner for registration within a period of two [2] weeks thereafter.

There shall be no order as to costs.

25.10.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

1.The District Registrar,
District Registration Office,
Tirunelveli.

2.The Sub Registrar,
Sub Registrar Office,
Gangaikondan,
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ABDUL QUDDHOSE, J.

MR

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