



W.P.(MD).No.25876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25876 of 2024

I.Dhandapani

... Petitioner

Vs.

1.The District Registrar,
Sivagangai, Sivagangai District.

2.The Sub Registrar,
Thiruppuvanam Sub Registrar Office,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to register the sale deed dated 14.10.2024 presented by the petitioner qua the land comprised in Survey No.7/20, Thiruppachethi South Village, Thiruppuvanam Taluk, Sivagangai District, within the period that may be stipulated by this Court.

For Petitioner : Ms.H.jasima Yasmin
For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

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

2. Mr.P.Subbaraj, learned Special Government Pleader, accepts notice on behalf of the respondents.

3. It is the case of the petitioner that when he presented the sale deed in respect of the subject property for registration, the registering authority refused to receive the same on the ground that the parent document has not been produced. Hence, the petitioner seeks direction of this Court.

4. The issue raised in this writ petition is no longer *res-integra*, in view of the judgment rendered by this Court in the case of ***Subramani vs. the Sub Registrar and others*** [WP.No.11056 of 2024, dated 26.04.2024], in which it has been held as follows:



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“c. With regard to the refusal on the absence of parent document, this Court in the case of K.S. Vijayendran v. The Inspector General of Registration reported in (2011) 2 LW 648, Lakshmi Ammal v. The Sub Registrar, Villivakkam reported in 2015 SCC OnLine Mad 5868 and C. Moorthy v. Sub Registrar Aruppukottai reported in 2018 SCC OnLine Mad 3898, it was held that absence of a parent document is no ground to refuse registration. Pursuant to these judgments, sub-rule XX was introduced in Rule 162 authorizing the Sub-Registrar to refuse registration for non-production of the original title deed as required by Rule 55-A. 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.

Considering the above settled position of law, the Registrar cannot refuse to register the document merely on the ground of non production of parent document.”

In the light of the above settled provision of law, the respondents cannot insist for production of original parent document.

5. Accordingly, this writ petition is **allowed** and the second respondent is directed to register the document to be presented by the



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petitioner in respect of the subject property within a period of seven days
from the date of receipt of a copy of this order, without insisting parent
document. No costs.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

- 1.The District Registrar,
Sivagangai, Sivagangai District.
- 2.The Sub Registrar,
Thiruppuvanam Sub Registrar Office,
Sivagangai District.



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N.SATHISH KUMAR, J.

Rmk

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