



W.P.(MD).No.25905 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **29.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25905 of 2024

Rasool Mohideen

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai 600 028.

2.The District Registrar (Administration),
O/o.The District Registrar,
Registration Department,
Palayamkottai,
Tirunelveli.

3.The Sub Registrar,
Melapalayam Sub Registration Office,
Registration Department,
Melapalayam, Tirunelveli District.

4.P.A.Nabisa Banu

... Respondents

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 relating to the impugned refusal check slip in Refusal No.RFL/Melapalayam/142/2024 dated 19.10.2024 passed by the third respondent and quash the same as illegal, consequently directing the



W.P.(MD).No.25905 of 2024

third respondent to register the settlement deed dated 08.10.2024 presented by the petitioner.

For Petitioner : Mr.A.Abdulkabur

For Respondents : Mr.M.Siddharthan (for R1 to R3)
Additional Government Pleader

ORDER

Challenge has been made to the impugned refusal check slip issued by the third respondent.

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

3. It is the case of the petitioner that when he presented the settlement deed executed in favour his elder sister for registration in respect of the subject property, the same was refused by the third respondent on the ground that parent document as well as legal heir certificate have not been produced.



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:

“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.”



W.P.(MD).No.25905 of 2024

In the light of the above settled provision of law, the impugned refusal slip cannot be sustained in the eye of law.

5. It is submitted by the learned counsel for the petitioner that legal heir certificate has already been produced before the third respondent.

6. Accordingly, the impugned order in Refusal No.RFL/Melapalayam/142/2024 dated 19.10.2024, issued by the third respondent is hereby quashed and this writ petition is **allowed**. The third respondent is directed to register the document presented by the petitioner in respect of the subject property within a period of seven days from the date of receipt of a copy of this order. No costs.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



W.P.(MD).No.25905 of 2024

WEB COPY

- To*
- 1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai 600 028.
 - 2.The District Registrar (Administration),
O/o.The District Registrar,
Registration Department,
Palayamkottai,
Tirunelveli.
 - 3.The Sub Registrar,
Melapalayam Sub Registration Office,
Registration Department,
Melapalayam, Tirunelveli District.



WEB COPY



W.P.(MD).No.25905 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P.(MD)No.25905 of 2024

29.10.2024