



W.P(MD)No.26191 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.26191 of 2024

P.Annakili

... Petitioner

Vs.

The Sub Registrar,
Murappanadu,
Thoothukudi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register the general power of attorney deed to be presented by the petitioner, without insisting the original parent documents in respect of the land comprised in ayan punja Survey No.444/2, 446/1 and 446/2 in “Eden Garden” Section -B No.63 to the extent of 25 cents situated in Krishnapuram Village, Palayamkottai Union, Tirunelveli District within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.P.Subbaraj,

Special Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



WEB COPY

2.It is the grievance of the petitioner that when she presented the draft power of attorney deed dated 24.10.2024, the respondent has refused to receive on the ground that original document has not been produced. Therefore, the petitioner has filed this Writ Petition.

3.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,



W.P(MD)No.26191 of 2024

the Sub-Registrar cannot refuse to register a document merely because the original parent deed has not been produced.

WEB COPY

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.”

4.In such view of the matter, this Writ Petition is allowed with a direction to the respondent to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024
(3/3)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To
The Sub Registrar,
Murappanadu,
Thoothukudi District.



WEB COPY



W.P(MD)No.26191 of 2024

N.SATHISH KUMAR, J

Yuva

W.P(MD)No.26191 of 2024

29.10.2024
(3/3)