



WP(MD). No.26958 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 16/10/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.26958 of 2023

Mohamed Rafi

... Petitioner

Vs

The Sub Registrar,
Sendurai Sub Registrar Office,
Sendurai,
Dindigul District.

... Respondent

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 respondent vide Refusal Number RFL/Sendurai Dindigul/3/2023 dated 22.09.2023, quash the same as illegal and consequently direct the respondent to register the document presented by the petitioner for registration without insisting for the production of the original document within the time fixed by this Court.

For Petitioner : Mr.A.Jayaramachandran
For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

Challenging the impugned refusal slip issued by the respondent dated 22.09.2023 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.

2. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

3. The case of the petitioner is that the subject property was the ancestral property of the vendor of petitioner and the said property was sold in favour of the petitioner by way of registered sale deed. While so, when the petitioner intended to sell the property in favour of third parties and presented the same for registration, the same was refused to be registered by the respondents stating non availability of the original documents. Challenging the same the present Writ Petition.



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5. It is the contention of the petitioner that the respondent cannot pass such refusal. He further contended that the said documents have been lost and therefore, the petitioner presented the certified copy of the original sale deeding, which was issued by the respondent. 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 cannot refuse to register a document merely because the original parent deed has not been produced. In such view of the matter, the impugned



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refusal slip has to be set aside.

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7. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 22.09.2023 is hereby quashed and the 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.

16.10.2024

RR

TO

1. The Sub Registrar,
Sendurai Sub Registrar Office,
Sendurai,
Dindigul District.



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N.SATHISH KUMAR,J

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