



WP(MD). No.30968 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.30968 of 2023

Boominathan .G

... Petitioner

Vs

1. The District Registrar,
Virudhunagar District,
Virudhunagar..

2. The Sub-Registrar,
Veeracholan Sub-Registrar Office,
Veeracholan,
Virudhunagar District..

... 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 in pursuant to the refusal slip / impugned order No. RFL / Veeracholan / 16/2023 dated 08.12.2023 issued by 2nd Respondent, quash the same as illegal and consequently directing the 2nd Respondent to register the Sale Deed presented by the petitioner for registration without insisting for the production of original parent Document No. 470/1985.



WP(MD). No.30968 of 2023

For Petitioner : Mr.B.Anandan
For Respondents : Mr.P.Subbaraj for R1 & R2
Special Government Pleader

ORDER

Challenging the impugned refusal slip issued by the respondent dated 08.12.2023 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 purchased by the petitioner by way of registered sale deed in the year 1985. 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.



WP(MD). No.30968 of 2023

WEB COPY

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, for which, a complaint has also been preferred before the police, an advertisement has also been published in this regard and therefore, the petitioner presented the certified copy of the original sale deed, which was issued by the 2nd respondent. Hence, seeks a direction to the 2nd respondent 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



WP(MD). No.30968 of 2023

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 refusal slip has to be set aside.

7. Accordingly, this Writ Petition is allowed and the impugned refusal check slip dated 08.12.2023 is hereby quashed and the respondents are 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.

18.10.2024

RR

TO

1. The District Registrar,
Virudhunagar District,
Virudhunagar..

2. The Sub-Registrar,
Veeracholan Sub-Registrar Office,
Veeracholan,
Virudhunagar District..



WEB COPY



WP(MD). No.30968 of 2023

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.30968 of 2023**

Date : 18/10/2024