



W.P.No.271 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.271 of 2025

Shanawaz

... Petitioner

Vs

The Sub-Registrar,
Office of the Sub-Registrar,
Ayothiyapattinam,
Salem District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check Slip in No.RFL/Ayothiyapattinam/135/2024 dated 18.12.2024 issued by the respondent and quash the same and consequently direct the respondent to register the sale deed dated 18.12.2024 presented by the petitioner.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.M.Shahjahan
Special Government Pleader



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ORDER

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The writ petition is filed to call for the records of the respondent pertaining to the impugned refusal check slip in No.RFL/Ayothiyapattinam /135/2024 dated 18.12.2024, quash the same and consequently direct the respondent to register the sale deed dated 18.12.2024 presented by the petitioner.

2. The grievance of the petitioner is that since the original parent document was not produced, the refusal slip was issued. The matter is no longer *res integra*.

3. The Hon'ble Division Bench of this Court has held that the production of original document is not necessary under all circumstances. The learned Single Judge of this Court, the Hon'ble Mr.Justice S.Sounthar, in W.P.No. 22270 of 2024 dated 14.08.2024 has considered the relevant judgments and issued detailed directions regarding the procedure which is to be followed wherever the original parent deed is not produced. The paragraph No.17 of the said judgment is extracted hereunder:-



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“17. As mentioned earlier, failure to produce original title document is not a ground to refuse registration provided petitioner satisfy third proviso to Rule 55-A(i). Therefore, the impugned Refusal Check Slip issued by the 2nd respondent in RFL/CHENNIMALAI/25/2024, dated 30.04.2024 is quashed and the petitioner is directed to represent the document before the 2nd respondent within a period of two weeks from today, along with an affidavit mentioning the fact of loss of original title document and untracability of the same. The petitioner shall also enclose newspaper advertisement issued by him in leading Tamil newspapers having wide circulation in Erode District. The Newspaper advertisement shall disclose loss of original title deed and intention of the Seller to convey the property. On fulfilment of these two conditions, the 2nd respondent is directed to register the same.”

4. Accordingly, this writ petition is disposed of on the same terms. No costs.

08.01.2025

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

To
The Sub-Registrar,
Office of the Sub-Registrar,
Ayothiyapattinam,
Salem District.

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08.01.2025