



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3211 of 2025

P.R.Rathinam

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Namakkal District.

2.The Sub Registrar,
Office of the Sub Registrar,
Thiruchengode, Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent issued a refusal slip in Refusal Number RFL / Tiruchengode / 209/ 2024 dated 28.12.2024 and quash the same and further direct the 2nd respondent to receive and register the sale deed dated 26.12.2024 presented by the petitioner and other legal heirs without insisting on production of original antecedent title deeds.

For Petitioner : Mr.C.Kulanthaivel
For Respondents : Mr.M.Shajahan
Special Government Pleader



ORDER

This writ petition has been filed challenging the refusal Check Slip issued by the 2nd respondent dated 28.12.2024 and for a consequential direction to the 2nd respondent to entertain and register the Sale Deed dated 26.12.2024 presented by the petitioner and others legal heirs.

2.Heard Mr.C.Kulanthaivel, learned counsel appearing on behalf of the petitioner and Mr.M.Shajahan, learned Special Government Pleader appearing on behalf of respondents.

3.The case of the petitioner is that he and other legal heirs are the owners of the subject property. They wanted to sell the property and hence, the Sale Deed was executed and when the same was presented for registration before the 2nd respondent, the same was refused to be registered on the ground that the original title documents were not produced. Aggrieved by the same, the present writ petition has been filed before this Court.

4.This Court has repeatedly held that production of original title document is not mandatory for registration of document. It has been held that it cannot be a



ground to deny registration. Useful reference can be made to the latest judgement of the Division Bench of this Court in ***[M.Ariyanatch and another Vs. The Inspector General of Registration and another]*** reported in ***2024 3 MLJ 55***.

5.On carefully reading the third proviso to Rule 55A of the Tamil Nadu Registration Rules, 1949, it is seen that wherever the original document is lost, the requirements under that proviso must be satisfied in order to entertain the document and register the same. Hence, it will suffice if the petitioner is directed to satisfy that requirement and present the document for registration.

6.In the light of the above discussion, the petitioner is directed to re-present the document before the respondent along with an affidavit mentioning the fact that the original title document has been lost and the same is not able to be traced. The petitioner shall also enclose the newspaper advertisement issued regarding the loss of document and the intention of the seller of the property to convey the property. On fulfilling these conditions, the respondent shall entertain the document and register the same, if it is otherwise in order.



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N. ANAND VENKATESH, J.

ssr

7.This writ petition is disposed of with the above directions. No costs.

Consequently, the connected miscellaneous petition is closed.

06.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

- 1.The District Registrar,
Office of the District Registrar,
Namakkal District.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Thiruchengode, Namakkal District.

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