



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2749 of 2025
and WMP No.3094 of 2025

P.Selvakumar

..Petitioner

Vs.

The Sub Registrar,
Office of SRO, Vallam,
Villupuram District

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of refusal check slip issued by the respondent in Ref. No.T.P.No.204685779 dated 20.12.2024 and quash the same and consequently, direct the respondent to register the said document presented by the petitioner for registration, without insisting for production of the original parent document within the stipulated time frame fixed by this Court.

For Petitioner : Mr.R.Veeramani
For Respondents : Mr.M.Shahjahan
Special Government Pleader



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ORDER

The present writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 20.12.2024 and for a consequential direction to the respondent to entertain and register the document presented by the petitioner without insisting for the production of the original parent document.

2. Heard Mr.R.Veeramani, learned counsel for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for respondent.

3. The petitioner wanted to purchase the subject property from one Mr.Kathamuthu and his mother. According to the petitioner, the original title document is not traceable and therefore, the Sale deed was presented for registration along with the certified copy of the title document. The respondent refused to register the document by virtue of the refusal check slip dated 20.12.2024, since the original title document was not produced. The same has been put to challenge in the present writ petition.



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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.

7. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

03.02.2025

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
rka
To
The Sub Registrar,
Office of SRO, Vallam,
Villupuram District



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N. ANAND VENKATESH, J.
rka

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