



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3063 of 2025

M.Chandran

..Petitioner

Vs.

The Sub Registrar,
Odugathur SRO,
Vellore 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 relating to the impugned Refusal check slip in RFL/Odugathur/1/2025 dated 03.01.2025 passed by the respondent to quash the same and consequently, to direct the respondent to register the Sale Deed dated 23.12.2024 executed by in favour of Mr.P.Settu in respect of 61 cents comprised in S.F.No.12/1B, Patta No.174, Ramanayanikuppam Village, Anaicut Taluk, Vellore District.

For Petitioner : Mr.N.Manoharan
For Respondents : Mr.M.Shahjahan
Special Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent dated 03.01.2025 and for a consequential direction to the respondent to register the Sale deed dated 23.12.2024 executed by the petitioner in favour of one P.Settu with respect to the subject property in Survey No.12/1B measuring an extent of 61 cents at Vellore district.

2. The case of the petitioner is that he purchased the subject property by virtue of a registered Sale deed dated 16.05.1997. A patta was also issued in favour of the petitioner bearing Patta No.174. The petitioner wanted to convey the property in favour of P.Settu. When the Sale deed was presented for registration, the same was refused to be registered by the respondent by issuing the impugned check slip dated 03.01.2025. Aggrieved by the same, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the respondent cannot insist for the original title document and to substantiate this submission, the learned counsel relied upon the judgement of this Court in ***[P.Pappu Vs. Sub-Registrar, Rasipuram SRO, Rasipuram, Namakkal District]*** reported in



2024 5 CTC 575.

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4. The learned Special Government Pleader appearing on behalf of respondent submitted that if the petitioner complies with the third proviso to Section 55A of the Tamil Nadu Registration Rules, the respondent will not insist for the original title document in this case.

5. 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***.

6. 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.

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7. 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.

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

03.02.2025

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
rka

N. ANAND VENKATESH, J.
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To
The Sub Registrar,
Odugathur SRO,
Vellore District

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