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W.P.No.4866 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4866 of 2025

Mrs.R.Mukkayi

... Petitioner

Vs.

The Sub Registrar
Veppur, Veppur Road,
Cuddalore – 606304

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the respondent in issuing Refusal check slip in Refusal number RFL/Veppur/Viruthachalam/2/2025 dated 08.01.2025 and quash the same and further direct the respondent to entertain the sale deed dated 08.01.2025 for registration and consequently, register the same.

For Petitioner

: Mr.K.Raju

For Respondents

: Mr.U.Baranidharan

Special Government Pleader



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ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 08.01.2025 and for a consequential direction to the respondent to entertain the Sale deed dated 08.01.2025 and to register the same.

2. Heard Mr.K.Raju, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader, for respondent.

3. The petitioner claims to be the absolute owner of the subject property. The petitioner wanted to sell this property and accordingly a sale deed dated 08.01.2025 was executed and the same was presented for registration before the respondent. The respondent refused to register the sale deed on the ground that the original title document has not been produced.

4. The petitioner at Paragraph No.3 of the affidavit filed in support of the writ petition has stated that the original title document has been lost and the certified copy of the document is available.



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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.

7. In the light of the above discussion, the petitioner is directed to re-present the document before the respondent along with a clause in the document 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



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newspaper advertisement issued regarding the loss of document and the intention of the seller of the property to convey the property. On fulfilling this condition, the respondent shall entertain the document and register the same, if it is otherwise in order.

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

26.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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N. ANAND VENKATESH.J,

rka

To

The Sub Registrar
Veppur, Veppur Road,
Cuddalore – 606304

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Dated: 26.02.2025

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