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Writ Petition No.4513 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4513 of 2025

and

W.M.P.No.5027 of 2025

G.Nandhanamangai
W/o.Gowtham Prabhu

... Petitioner

Vs.

The Sub Registrar,
Office of Sub Registrar,
Pollachi, Coimbatore District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the respondent in Refusal Check Slip No.RFL/Pollachi/10/2025 dated 27.01.2025, thereby refusing to register the document and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the Sale Deed dated 27.01.2025 presented by the petitioner within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.U.Baranidharan
Special Government Pleader



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ORDER

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This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 27.01.2025 and for a consequential direction to the respondent to register the sale deed dated 27.01.2025 presented by the petitioner.

2. Heard Mr.S.Arivazhagan, learned counsel for petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for respondent.

3. The petitioner's vendor is tracing his right in the subject property through a compromise decree dated 12.09.1997 in O.S.No.729 of 1997 on the file of District Munsif, Pollachi. The petitioner further claims that pursuant to the compromise decree, patta also stands in the name of the petitioner's vendor. While so, when the petitioner's vendor wanted to sell the property and the petitioner wanted to purchase the property, the respondent refused to register the document on the ground that the original title document has not been produced.



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4. In the considered view of this Court, insistence of production of original title document cannot be a condition precedent for entertaining and registering a sale deed. The law on this issue is now too well-settled. The petitioner's vendor is claiming right and title through a compromise decree and also on the basis of patta standing in his name. If these documents are produced by the petitioner's vendor and the petitioner's vendor describes his source of title in the recital to the sale deed, the sale deed shall be received and shall be registered, if it is otherwise in order.

In the result, this writ petition is allowed in the above terms.

No costs. Consequently, connected miscellaneous petition is closed.

17.02.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

The Sub Registrar,
Office of Sub Registrar,
Pollachi, Coimbatore District.



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N.ANAND VENKATESH, J

gm

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