



W.P.(MD)No.2548 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.2548 of 2025

C. Lokender Kumar
S/o.Chandernal Singh,
Tirupati Agrofood Agro Farm Private Limited,
No.4, East Park Road,
Karil Bagh, New Delhi - 110005. ... Petitioner

/Vs./

The Sub Registrar
Elumalai Sub Registration Office,
Madurai District. ... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the respondent to register the sale deed vide TP/204280538/2024 dated 08.01.2025 in respect of the petitioners property about an extent of 4 acres 22 cents comprised in Survey No. 193/4B in Survey No.172/3 situated at Sedapatti Village and Survey No. 230/4C3C situated at Poosalapuram Village, Peraiyur Taluk, Madurai District without insisting to produce the original Sale deeds Nos.1300 of 2007 dated 21.09.2007 1043 of 2007 dated 08.08.2007 and 591 of 2008 dated 10.03.2008 within the time limit as stipulated by this Court.



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For Petitioner : Mr.J.Lawrance
For Respondent : Mr.M.Saravanan
Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction, to direct the respondent to register the sale deed dated 08.01.2025 in respect of the petitioner's property about an extent of 4 acres 22 cents comprised in Survey No.193/4B in Survey No.172/3 situated at Sedapatti Village and Survey No.230/4C3C situated at Poosalapuram Village, Peraiyur Taluk, Madurai District without insisting to produce the original sale deeds.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The case of the petitioner is that the petitioner is a company. They have all copies of documents except the original documents. It is their case that the originals have been concealed by one of their staff



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against whom disciplinary proceedings as well as criminal action have been initiated and he has also been terminated. However, the documents could not be traced. In the meanwhile, when the petitioner presented the documents for sale, the same has been refused to be registered and the respondent is insisting for production of originals. Therefore, the petitioner is before this Court.

4. When the title has not been disputed and all the relevant documents have been produced, merely on the ground of non production of original documents, refusal made on that ground cannot be sustained.

5. It is relevant note that this Court in the case of ***Federal Bank V. Sub Registrar***, reported in ***2023 (2) CTC 289*** has held that Sub Rule XX of Rule 162 has no statutory backing. The said order has been followed by a Division Bench of this Court in the case of ***M. Ariyanatchi v Inspector General*** made in ***W.A.(MD).No. 856 of 2023, dated 27.06.2023***, wherein, Division Bench of this Court has held that, for instance, the original document is held by one co-owner, the Sub~Registrar can always take an undertaking or a declaration in the



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form of an affidavit from the vendors to the effect that the original document is with the said person and register the document. Hence, the Sub-Registrar cannot refuse to register a document merely because the original deed has not been produced.

6. Accordingly, this Writ Petition is allowed and the respondent is directed to register the sale deed presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs.

29.01.2025

Index : Yes / No
NCC : Yes / No
LS

TO:-

The Sub Registrar
Elumalai Sub Registration Office,
Madurai District.



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G.K.ILANTHIRAIYAN, J.

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Order made in
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29.01.2025