



W.P.(MD) No.3565 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3565 of 2025

R.Latha

... Petitioner

Vs

1. The District Registrar,
Kanyakumari District.

2. The Sub Registrar,
Office of the Sub-Registrar at Edalakudy,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned “Refusal Check Slip” under RFL/Edalakudy/18/2025 dated 30.01.2025 issued by the 2nd respondent and quash the same and to direct the second respondent to register the Gift Settlement Deed dated 30.01.2025, presented by the petitioner, within a time frame as may be fixed by this Honble Court.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.R.Suresh Kumar

Additional Government Pleader



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ORDER

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This writ petition is filed seeking to quash the Refusal Check Slip under RFL/Edalakudy/18/2025 dated 30.01.2025 issued by the 2nd respondent and consequently, to direct the 2nd respondent to register the Gift Settlement Deed dated 30.01.2025, presented by the petitioner.

2. The petitioner claims that she is the owner of the property. Pursuant to the exercise of ownership, a document was presented to the Sub Registrar for the purpose of registration. The Sub Registrar invoking Rule 55 A(i) of the Tamil Nadu Registration Rules sought the production of the original / parent deeds and consequently refused to register the document. Hence, this writ petition.

3. I heard Mr.G.Aravinthan, for the petitioner and learned Advocate General for Mr.R.Suresh Kumar, Additional Government Pleader for the respondents.

4. I pointed out to the learned Additional Government Pleader that a learned Single Judge of this Court in *Federal Bank Ltd. vs. Sub*



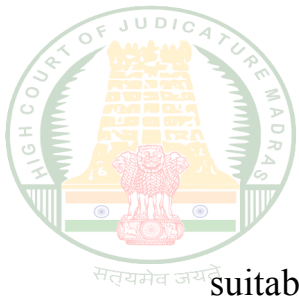
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Registrar, Pollachi and others [2023 (2) CTC 289) as well as the Division Bench of this Court in *P.Pappu Vs. Sub Registrar, Rasipuram* [2024 (5) CTC 575], have given directions to the Sub Registrars not to insist upon the production of the original as a condition precedent for registration of the documents.

5. Despite these verdicts, every day this Court is flooded with writs seeking for directions to the Sub Registrars not to insist on production of originals. Hence, I requested the assistance of the learned Advocate General on 05.02.2025, to instruct the State of Tamil Nadu to circulate an instruction informing the Sub Registrars that, production of the original of the sale deed is not an essential requirement in terms of the Registration Act.

6. The learned Advocate General brought to my notice that the State had preferred an appeal by way of Special Leave Petition to the Supreme Court against the order passed in *P.Pappu's case* in S.L.P (Civil) No.2344 of 2025 and that the same had been dismissed by the Supreme Court on 03.02.2025. He informed this Court that he will give



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suitable directions to the Secretary, Commercial Taxes and Registration Department in this regard.

7. When I took up the matter for hearing today (20.02.2025), the learned Advocate General brought to my notice that the Constitutional validity of Rule 55 A(i) is a subject matter of consideration before the Supreme Court in S.LP.No.12167 of 2024 and that the matter is listed for hearing on 18.03.2025. He fairly submitted that without prejudice to the contentions of State of Tamil Nadu in the said Special Leave Petition, a direction can be given in the writ petition to register the document and to return the same.

8. The position of law having been settled in *P.Pappu's case* and the same having been confirmed by the Supreme Court, the writ petition stands allowed. The Sub Registrar shall register the document, which he has refused to do so under the impugned order.

9. The request of the learned Advocate General is accepted. Needless to add, this order will not stand in the way of the Government



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in respect of the Constitutional validity of Rule 55 A(i) in the pending proceedings before the Supreme Court. No costs.

20.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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V. LAKSHMINARAYANAN, J.

MAC

To

1. The District Registrar,
Kanyakumari District.

2. The Sub Registrar,
Office of the Sub-Registrar at Edalakudy,
Kanyakumari District.

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Dated : 20.02.2025