



W.P.(MD)No.4133 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4133 of 2025

Mariappan

... Petitioner

vs.

The Sub Registrar,
Kalugumalai Sub Registrar Office,
Kalugumalai, Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Refusal No. RFL/Kalugumalai/78/2024 dated 30.10.2024 issued by the respondent and quash the same, consequently directing the respondent to receive and register the Sale Deed dated 29.10.2024 executed by the petitioner in the favour of Mr.N.Subburaj in accordance with law and within the stipulated period.

For Petitioner :Mrs.S.Mahalakshmi
For Respondent :Mr.P.T.Thiraviyam
Government Advocate



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ORDER

This Writ Petition challenges the refusal check slip issued by the respondent/Sub Registrar, Kalugumalai, dated 30.10.2024.

2.The petitioner sought to register a document and at the time of registration, he did not produce the original parent documents for the property sought to be alienated. Therefore, the respondent/Sub Registrar came to a conclusion that the document cannot be registered and issued the impugned check slip to that effect. Challenging the same, the present Writ Petition.

3.The issue as to whether original documents are essential for the purpose of carrying out the process of registration is concerned, has been settled by a Division Bench of this Court in ***P.Pappu vs- Sub Registrar, Rasipuram***, reported in ***2024 5 CTC 575***. The Division Bench held that a Sub Registrar cannot insist upon production of original document/parental deed of the subsequent document, as a condition precedent for registration.



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4.The view taken by the Division Bench found acceptance at the hands of the Hon'ble Supreme Court with the dismissal of the Special Leave Petition preferred by the State. The Special Leave Petition was dismissed on 03.02.2025.

5.In the light of above discussion, the Writ Petition is allowed. The impugned check slip issued by the respondent, dated 30.10.2024 is set aside. There shall be a direction to the respondent to register the document, which is the subject matter of the Writ Petition, if it is otherwise in order, without insisting upon the production of the original document. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

20.03.2025

cmr

To

The Sub Registrar,
Kalugumalai Sub Registrar Office,
Kalugumalai, Tenkasi District.

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V. LAKSHMINARAYANAN, J.

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