



W.P.(MD)No.6738 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.03.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.6738 of 2025

K.Edward

... Petitioner

vs.

1.The District Registrar,
Office of the District Registrar,
Virudhunagar District.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Rajapalayam, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Sub-Registrar, Rajapalayam, to register the sale deed or such other documents executed by the petitioner or any other lawful transaction concerning the property, being presented by the petitioner in respect of the property situated at S.No.1989/2 measuring 1 acre 4 cents and S.No.1987/2 measuring 7 cents in Ayankollangkonda-2 Village, Rajapalayam Taluk, Virudhunagar District, without insisting on the original parent document or a Not Traceable Certificate, in accordance with law within a time frame as may be fixed by this Court.

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For Petitioner :Mr.Y.Prakash
For Respondents :Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The petitioner states that he purchased the property situated in S.No.1989/2 to an extent of 1 acre and 4 cents and S.No.1987/2 measuring 17 cents of Ayankollangkondan-2 Village, Rajapalayam Taluk, Virudhunagar District, from one Muthu. The purchase was made by way of a registered document in Doc.No.1157/1992, dated 27.04.1992. On the basis of the purchase, the petitioner has also mutated the revenue records and has been in possession and enjoyment of the property.

2. The petitioner pleads that on 01.06.2014, while taking copies of the original sale deed, he misplaced the same. Therefore, he lodged a complaint with the Inspector of Police, Rajapalayam North Police Station, intimating him regarding the loss of the document. This complaint was received as petition No. 178 of 2014 on 09.06.2014. However, a 'Non Traceable' Certificate had not been issued by the police so far, and the petitioner did not request one, as he was unaware of the requirement of such a certificate.

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3. With the passage of time, the petitioner wanted to alienate his property. One Dr.Meena, W/o.Dr.Tamilarasan approached the petitioner to purchase the same. When they submitted a draft sale deed for registration to the second respondent, he refused to receive the same on the ground that the original parent document has not been produced. He gave an option to the petitioner to produce a 'Non Traceable' Certificate from the police and thereafter, present the document for registration.

4. The petitioner informed to the Sub-Registrar that there is no necessity to produce the original parent document or a 'Nor Traceable Certificate' at the time of registration. He relied upon a verdict of this Court in order to substantiate the said plea. This fervent plea of the petitioner fell on deaf ears. Hence, the petitioner has come forward with the present writ petition.

5. I heard Mr.Y.Prakash for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents.



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6. Mr.Y.Prakash reiterated the contentions made in the affidavit and pleaded that the mandamus be issued to the respondents to receive the sale deed executed by the petitioner in favour of Dr.Meena without insisting upon the production of the original parent document, or alternatively, a 'Non Traceable Certificate'.

7. Per contra, Mr.R.Sureshkumar urged that the 'Non Traceable' Certificate had not been issued and therefore, the second respondent entertained doubt regarding the registration of the document. He states that he has been instructed by the Sub-Registrar to the effect that the Sub-Registrar is merely following the verdict of this Court in the case of ***S.Palanivel Vs. Sub-Registrar*** in W.P.No.32296 of 2024, dated 29.10.2024.

8. According to the Sub-Registrar, since this Court had directed the petitioner in that case to file an affidavit narrating the circumstances of his failure to produce the original document, followed by a newspaper advertisement, prior to registration, he pleads that the same procedure may be followed in the present case as well.



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9. I have carefully considered the submissions of both sides.

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10. The position of law has been settled by a judgment of this Court in ***P.Pappu Vs., The Sub Registrar, 2024 (5) CTC 575***. In the said judgment, a Division Bench of this Court had directed that the Sub-Registrar has no jurisdiction to insist on production of an original document, as a condition for registration.

11. It was further pointed out that refusal to register the document due to the non-production of the original document violates the constitutional right to property under Article 300 A of the Constitution of India.

12. Aggrieved by the said order, the registration department had taken the matter on appeal before the Supreme Court by way of a Special Leave Petition. The said Special Leave Petition was dismissed on 03.02.2025. Therefore, as of today, the law as declared by this Court and confirmed by the Supreme Court is that there is no necessity to produce the original document at the time of registration.



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13. The observations that were made by this Court in *S.Palanivel's case*, were specific to the circumstances which arose from the facts of that case. This is clear from paragraph No.9 of the order, wherein the learned Judge had asked the petitioner therein to file an affidavit. However, he did not give a general direction that in all cases such an affidavit must be filed.

14. In the light of the above discussion, there shall be a mandamus in favour of the petitioner directing the second respondent to receive the sale deed presented by the petitioner in favour of Dr.Meena without insisting upon the original of the parent document or a 'Non Traceable Certificate' and register the same. The said exercise shall be completed within a period of two (2) weeks from today i.e., 13.03.2025.

15. With the above directions, this Writ Petition is ordered. No costs.



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16. Post 'for reporting compliance' on 03.04.2025.

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

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To

- 1.The District Registrar,
Office of the District Registrar,
Virudhunagar District.
- 2.The Sub-Registrar,
Office of the Sub-Registrar,
Rajapalayam, Virudhunagar District.



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V. LAKSHMINARAYANAN, J.

Rmk

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