



W.P.(MD)No.8490 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.8490 of 2025

P.Kannan

... Petitioner

VS.

The Sub Registrar,
Office of the Sub Registrar,
Kovilpatti.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent to accept the settlement deed dated 06.03.2025 presented by the petitioner in respect of land in Survey No.536/3, 537/1A1A situated at Illupaiyurani village, Kovilpatti Taluk, Thoothukudi District, and register the same without insisting of original document to the petitioner.

For Petitioner :Ms.K.Porkodi for
M/S.Polax Legal Solutions

For Respondent :Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

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The petitioner seeks for a Mandamus, directing the first respondent to accept the settlement deed dated 06.03.2025 presented by the petitioner in respect of the land in S.No.536/3, 537/1A1A situated at Illupaiyurani village, Kovilpatti Taluk, Thoothukudi District and register the same without insisting the original document.

2.The petitioner states that the land situated in S.No.536/3A2, to an extent of 4.689 cents and S.No.537/1A1A2, to an extent of 4.681 cents situated at Illupaiyurani Village, Kovilpatti Taluk, Thoothukudi District, belongs to him. He had purchased the same, by way of a registered document in Doc.No.8857/2024 dated 17.10.2024.

3.The petitioner states that he proposed to settle the property in favour of his wife, Malaiyarasi, executed a document and presented the same for registration on 11.03.2025. The document was not registered. The petitioner was informed by the respondent that, since the original of title deed of the land had not been produced, the respondent will not register the settlement deed. Hence, this writ petition.



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4.I heard Ms.P.Subathra Devi, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondent.

5.Ms.P.Subathra Devi urges that the original document has been misplaced, but the petitioner has produced the photostatecopies of the sale deed before the Sub Registrar. She points out that the original title deed need not be produced, as a condition precedent for the registration of a subsequent document. She relies upon a judgment of a Division Bench of this Court in ***P.Pappu Vs., The Sub-Registrar, Rasipuram, (2024) 5 CTC 575***, to press home this point.

6.*Per contra*, Mr.R.Suresh Kumar argues that the petitioner has not even approached the Sub Registrar for the purpose of registering the settlement deed and therefore, there is no cause of action for the writ petition.



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7. I have carefully considered the submissions of both sides. I have gone through the records.

8.The petitioner pleads that the original of the sale deed is not available with him. He has produced the photocopies of the said document. As rightly contended by Ms.Sibathra Devi, the Sub Registrar cannot demand the original title deed of a property prior to proceeding with the registration. Such a demand falls foul of the Division Bench judgment relied upon by her.

9.In the light of the above discussion, the following directions are given:-

i) The respondent shall receive and register the settlement deed executed by the petitioner in favour of his wife, Malaiyarasi, without insisting on the production of the original title deed.

ii) The said exercise shall be completed within a period of two weeks from the date of uploading of a copy of this order in the Official Web-site of this Court.



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10. With the aforesaid directions, the Writ Petition stands ordered.

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No costs.

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

27.03.2025

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To

The Sub Registrar,
Office of the Sub Registrar,
Kovilpatti.



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V. LAKSHMINARAYANAN, J.

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