



W.P.(MD)No.9377 of 2024

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.9377 of 2024

Alamelu

... Petitioner

VS.

1.The District Registrar,
Tenkasi District, Tenkasi.

2.The Sub Registrar,
Puliyankudi, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Order in RFL/Puliyankudi/8/2024 dated 08.02.2024 issued by the 2nd respondent and to quash the same and consequently directing the 2nd respondent to register the Sale Deed dated 05.02.2024 executed by the Petchimuthu to the petitioner.

For Petitioner :Mr.P.Balamurugan
For Respondents :Mr.N.Ramesh Arumugam
Government Advocate



W.P.(MD)No.9377 of 2024

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ORDER

This Writ Petition challenges the refusal check slip issued by the second respondent/Sub Registrar, Puliyanakudi, dated 08.02.2024.

2.The petitioner sought to register a document and at the time of registration, she did not produce the original parent documents for the property sought to be alienated. Therefore, the second 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.



W.P.(MD)No.9377 of 2024

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 second respondent, dated 08.02.2024 is set aside. There shall be a direction to the second 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

1.The District Registrar,
Tenkasi District, Tenkasi.

2.The Sub Registrar,
Puliyankudi, Tenkasi District.

3/4



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W.P.(MD)No.9377 of 2024

V. LAKSHMINARAYANAN, J.

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W.P.(MD)No.9377 of 2024

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