



W.P.(MD)No.16255 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.16255 of 2024

R.M.Somasundaram

... Petitioner

vs.

1.The Sub Registrar,
Karaikudi Joint II Sub Registrar Officer,
Sivagangai District.

2.Vijayalakshmi

... Respondents

(R2 was impleaded vide order of this Court, dated 01.08.2024 in W.M.P. (MD)No.15034 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check-slip issued by respondent in RFL/2 No. Joint Sub Registrar Karaikudi /20/2024 dated 10.07.2024 quash the same and consequently directing the respondent to register the consequent deeds based on the documents No.848/1990 of the respondent office without insisting the original Sale deed.

For Petitioner	:Mr.RM.Arun Swaminathan
For R1	:Mr.P.T.Thiraviyam
	Government Advocate



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ORDER

This Writ Petition challenges the refusal check slip issued by the first respondent, dated 10.07.2024.

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 first respondent 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 first respondent, dated 10.07.2024 is set aside. There shall be a direction to the first 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,
Karaikudi Joint II Sub Registrar Officer,
Sivagangai District.

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V. LAKSHMINARAYANAN, J.

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