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WP No. 13869 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 13869 of 2026

Muthusamy

..Petitioner(s)

Vs

1. The Inspector General of Registration
No 100, Santhome High Road,
R.A. Puram,
Chennai 600 028.
2. The Sub Registrar
Thingalur 638055
Erode District.

..Respondent(s)

PRAYER – This Writ Petition is filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent in the impugned order in Na.Ka. No 75/ 2026 dated 27.03.2026 and quash the same and consequently direct the 2nd respondent to register the release deed, dated 31.01.2026 presented by the petitioner for regularisation.

For Petitioner(s): Mr.S.Kaithamalai Kumaran

For Respondent(s): Mr.U.Baranidharan,
Special Government Pleader



ORDER

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This Writ Petition has been filed challenging the impugned order dated 27.03.2026 issued by the 2nd respondent refusing to register the release deed dated 31.01.2026, presented by the petitioner for registration on the ground that the petitioner had not produced the original parent document.

2. According to the petitioner, the original parent document is retained by the petitioner's uncle who is the owner of the remaining extent of the land. According to the petitioner, he has produced all the revenue records standing in his name, but despite the same, the 2nd respondent has refused to register the release deed presented by the petitioner for registration. Section 34-C of the Registration Act, 1908, reads as follows:-

“34-C. Production of Original documents –
Nowithstanding anything contained in any other law for the time being in force, the registering officer before whom a document relating to immovable property is presented for registration shall not register the same, unless the executant produces the previous original document by which the right over the subject property was acquired by him along with the Encumbrance Certificate pertaining to the subject property obtained within ten days before the date of presentation:



Provided that where an encumbrance as to subsisting mortgage, exists over the property, the registering officer shall not register such document unless a No Objection Certificate is obtained from the mortgagee:

Provided further that where an agreement for sale has been executed in respect of the subject property and it has not been performed, the registering authority shall not register such document unless the period of limitation for filing a suit for specific performance of the above agreement has lapsed:

Provided also that where the subject property is ancestral one and the previous original document is not available, the registering officer shall not register such document, unless the patta issued by the Revenue Department in respect of that property is produced:

Provided also that if the previous original document is lost, the registering officer shall not register such document unless non-traceable Certificate issued by the Police department along with the advertisement published in the local Newspaper giving the notice of loss of the previous original document are produced:

Provided also that production of the previous original document shall not be necessary for a document in which the Government or a statutory body is the executant or for such classes of documents as may be notified by the State Government, from time to time.”



As seen from the same, the petitioner will have to produce the original parent document or otherwise, produce a non-traceable certificate.

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4.Learned counsel for the petitioner would now submit that the matter could be remanded back to the 2nd respondent for fresh consideration and the 2nd respondent can issue notice to all the necessary parties which includes the petitioner's uncle, who is retaining the original parent document and after hearing their objections, the 2nd respondent can take a final decision as to whether the release deed presented by the petitioner can be registered or not.

5.No prejudice would be caused to any of the parties, if the aforesaid request made by the learned counsel for the petitioner is granted by this Court.

6.Accordingly, this Writ Petition is disposed of by quashing the impugned order dated 27.03.2026, passed by the 2nd respondent and remitting the matter back to the 2nd respondent for fresh consideration on merits and in accordance with law. The 2nd respondent shall issue notice to the petitioner's uncle, who is said to be retaining the original parent document according to the petitioner and any other necessary party whom the 2nd respondent deem fit to put on notice and after hearing their objections, after scrutinising the original



parent document for the subject property from the petitioner's uncle, if the same is available with him, shall take a final decision as to whether the release deed presented by the petitioner for registration can be registered or not, within a period of four weeks from the date of receipt of a copy of this order. In case, the 2nd respondent, after conducting enquiry, decides to refuse the registration of the release deed presented by the petitioner for registration, the 2nd respondent shall pass a speaking order as to why the release deed presented by the petitioner cannot be registered. However, there shall be no order as to costs.

15-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSA

To

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2. The Sub Registrar
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ABDUL QUDDHOSE, J.

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