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W.P(MD)No.9143 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.04.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.9143 of 2026

ViVkananthan

... Petitioner

Vs.

1.The Inspector of General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.

2.The District Registrar,
TNAU Nagar,
Rajakambeeram,
Othakadai,
Madurai District.

3.The Sub Registrar,
Vilankudi,
Madurai.

...Respondents

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records relating to challenge the impugned order of Refusal Check Slip No.RFL/VILANGUDI/33/2026 dated 18.03.2026 passed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to



register the document presented before them by the petitioner without insisting upon production of original parental document bearing No. 2658/1981 since it has been kept in the Court record on the file of the Additional Sub-Court-III, Madurai.

For Petitioner	:Mr.P.Venkatesan
For Respondents	:Mr.F.Deepak Special Government Pleader

ORDER

This writ petition is filed challenging the impugned refusal check slip dated 18.03.2026.

2.By the said order, the sale deed presented by the petitioner was refused to be registered on the ground that when the petitioner is claiming title through the earlier document bearing Registration No.2658 of 1981 and when the original of the same is not produced before the registering authority, the document could not be registered, as per Section 34C of the Registration Act, 1998. Therefore, the document was refused to be registered.

3.The learned counsel for the petitioner would submit that it is true that by the document No.2658 of 1981 dated 14.09.1981, the property was



originally purchased by one Baluchamy and his two brothers. Subsequently, among the co-sharers, original the document was in the custody of one Ranjitham and others and they filed a suit in O.S.No.569 of 2007, before the Additional Sub-Court No.III, Madurai and they filed a civil suit in O.S.No. 569 of 2007 on the file of the Third Additional Sub Court, Madurai and they have filed the said document in the said suit and it was marked as exhibit and the same as the part of Court records. In order to prove the same, the petitioner had also filed a certified copy from the concerned Court. Therefore, he would submit that the original was not at all in the custody of the petitioner who was only a defendant in the said suit, even now, the custody of the document is available in Court.

4.The learned Special Government Pleader taking notice on behalf of the respondent would submit that as per Section 34C of the Act, production of original documents is mandatory and once the title is claimed through the said document, the petitioner has to produce the original of the same.

5.I have considered the rival submissions made on either side and perused the material records of the case.



6.As per Section 34C of the Act, What is made mandatory is “previous original document by which the right over the subject property was acquired by the executant of the document”. In this case, though it is true that originally by the said document dated 14.09.1981, the property was purchased. Subsequently there was a litigation between them and the final decree has been passed and it is claimed that by the final decree the property has been allotted to the petitioner. Therefore, the said document cannot be mentioned as the previous original document by which the petitioner acquired the title, more specifically the title of the petitioner has been confirmed by the immediate previous document, namely the final decree made in O.S.No.569 of 2007 by the III Additional Sub-court, Madurai. Therefore, I am of the view that firstly the Sub-Registrar can also depute any subordinate official and verify the original available in the Court records. Secondly, the same is also not mandatory as it is not the previous original document by which the party is empowered to file the present sale deed. The right of the party is substantially crystallized only in the final decree that is passed by the Court. The certified copy of the same is already produced before the Sub-Registrar.

7.For all the above reasons, this Writ Petition is disposed of on the following terms:



(i)The impugned refusal check slip 18.03.2026 shall stand set aside and the sale deed shall be registered, without insisting upon the production of the original of the document number, if the same is in order.

(ii)No costs.

06.04.2026

NCC:Yes/No

Ns

To

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D.BHARATHA CHAKRAVARTHY, J.

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