

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.31989 of 2019

and

W.M.P.No.32230 of 2019

1.Rukumani

2.Anuradha

... Petitioners

/versus/

1.The Sub Registrar,  
Sub Registration Office,  
Nagoor,  
Nagapattinam District.

2.S.Koteeswaran

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent issued vide Refusal Check Slip No.TP/74932954/2019, dated 01.11.2019, quash the same and consequently direct the 1<sup>st</sup> respondent to register the settlement deed dated 31.10.2019 presented by the petitioners in favour of C.Akash, without insisting the production of original parent document and complete the registration formalities on the basis of certified copy of the parent document and return the registered settlement deed, within the time to be stipulated by this Court.

For Petitioner

:Mr.R.Bharath Kumar

For Respondents

:Mr.T.M.Pappiah,

Spl.G.P. For R1

ORDER

This Writ Petition has been filed praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent issued vide Refusal Check Slip No.TP/74932954/2019, dated 01.11.2019, quash the same and consequently direct the 1<sup>st</sup> respondent to register the settlement deed dated 31.10.2019 presented by the petitioners in favour of C.Akash, without insisting the production of original parent

document and complete the registration formalities on the basis of certified copy of the parent document and return the registered settlement deed, within the time to be stipulated by this Court.

2.The petitioners, who are the mother and daughter have presented a settlement deed for registration before the Sub Registrar, Nagoor Village, Nagapattinam District on 31.10.2019. The Sub Registrar has issued a Check Slip stating that the original title deed has not been submitted for verification.

3.The title deed of the subject property is in possession of the son of the first petitioner, who is not ready to hand over the same to the petitioners, inspite of notice issued to him on 14.03.2019. According to the petitioners, the property devolved upon Srinivasan Iyer and Subramania Iyer from their ancestral by way of devolution. The undivided  $\frac{1}{2}$  share in the property was released in favour of S.Koteeswaran, S/o N.R.Srinivasan, vide release deed dated 11.07.2001. In the rest of the half share the legal heirs of Srinivasa Iyer have equal right, thereby the petitioners hold 4/10 undivided share in respect of the property and Koteeswaran is holding 6/10 undivided share. The original title deed is with Koteeswaran, so the petitioners are not in a position to submit the original title deed. Hence, they sought the Sub Registrar to accept their document without insisting upon the parent deed. However, the Sub Registrar has issued the impugned order reiterating that the petitioners should submit the original parent deed for accepting the settlement deed presented by them.

4.The learned Special Government Pleader appearing for the 1<sup>st</sup> respondent would submit that in view of the several objections from the public alleging improper admission of the document for registration, the Inspector General of Registration Department has issued circular vide letter No.18339/C1/2012 dated 25.04.2012 and letter No.25600/C1/2018 dated 13.06.2018 to all the Sub Registrars to ensure no improper registration of document carried by them.

5.In the said circular, it is made imperative for the public to present the document for registration along with the parent deed. If they are not able to produce the previous document, or not available with them, the procedure to accept the document is also explained in those two circulars.

6.Pointing out the answer furnished in letter dated 13.06.2018 of the Inspector General of Registration, the learned Special Government Pleader would submit that in case of the parent document being a partition deed and one of the sharer is holding the original partition deed, then the other sharers, who want to register the subsequent document has to explain the same

and in such case, they need not produce the original partition deed.

7. In this case, it is alleged that the parent document is in possession of Koteeswaran, who is by release deed and devolution holding 6/10 shares together. In such case, if the petitioners furnish the certificate copy of the release deed executed by Subramanian Iyer in favour of Koteeswaran and the previous document regarding the devolution of half share in favour of Subramanian Iyer, it is suffice to satisfy the Sub Registrar to accept the settlement deed presented by the petitioners.

8. Therefore, taking into consideration the circular of the Inspector General of Registration referred above and the facts of the case, the Sub Registrar is directed to accept the settlement deed on furnishing the copy of the two documents referred above and proceed in accordance with law, in the light of the guidelines made by the Inspector General of Registration Office. The said process shall be completed within a period of three months from today.

9. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

The Sub Registrar,  
Sub Registration Office, सतयमेव जयते  
Nagoor, Nagapattinam District.

+1 cc to M/s.R.Bharath Kumar, Advocate Sr.No. 97346

+1 cc to The Government Pleader Sr.No. 97553

AKM/17.12.19/3P-4C /

W.P.No.31989 of 2019