



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.17963 of 2019

Ravichandarn

... Petitioner

vs.

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai.

2.The Sub Registrar,
Joint -III, Town Hall,
Tirchirappalli.

... Respondents

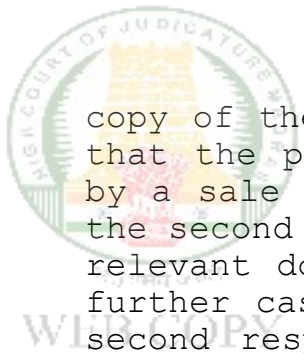
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to register the document presented for registration under Application No.S01LANDVV201902152260242, presented on 15.02.2019 for registration without insisting for production of the original parent deed in the light of order made by this Court in K.S.Vijayandran Vs IG of Registration, reported in 2011 (2) L.W. 648 within the time that may be stipulated by this Court.

For Petitioner	:Mr.M.Mahaboob Athief for M/s.Ajamal Associates
For R1 and R2	: Mr.V.Anand Government Advocate

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus to direct the second respondent to register the document presented for registration by the petitioner on 15.02.2019 without insisting for production of the original parent deed in the light of order of this Court in few precedents.

2.It is stated that on 15.02.2019, the petitioner has presented a sale deed before the second respondent for registration. The petitioner further stated that he has purchased certain properties in the year 2008. It is the case of the petitioner that major portion of the properties purchased by him in 2008 was conveyed in favour of M/s.Reliance Prolific Traders Private Limited, by a registered sale deed, dated 09.05.2011 and that the document of title was handed over to the purchaser keeping only the certified



copy of the original title deed for himself. It is further stated that the petitioner, subsequently, has sold the remaining property by a sale deed and presented the documents for registration before the second respondent on 15.02.2019 with proper stamp duty and other relevant documents required under the Registration Act. It is the further case of the petitioner that the Sub Registrar, namely, the second respondent, has not registered the document on the ground that the petitioner should produce the original parent deed. It is, therefore, the petitioner has approached this Court with the present Writ Petition.

3.The learned Government Advocate appearing for the respondents submitted that the petitioner has to produce the original parent document, in view of the circular issued by the Registration Department. Except insisting parent deed, the learned Government Advocate did not refer to any other reason for refusing to register the document, which is now pending before the second respondent. It is in the said circumstances, the short question, that arise for consideration, is whether the second respondent can insist production of original parent document for registering a document of sale. The issue is no more *res integra*, in view of few decisions of this Court earlier.

4.In ***C.Moorthy vs Sub Registrar Aruppukottai***, reported in ***2018 SCC Online Mad 3898***, I had an occasion to deal with the similar issue, where a party to a transaction challenged the Check Slip requiring the petitioner therein to submit the sale deed along with the original document of sale, which is the parent document. This Court after referring to the previous judgments of this Court in ***K.S.Vijayendran vs The Inspector General of Registration and another***, reported in ***2011-2-L.W.648*** and ***Lakshmi Ammal vs The Sub Registrar, Villivakkam and another***, reported in ***2015 SCC Online Mad 5868***, allowed the Writ Petition and quashed the impugned Check Slip and further directed the Sub Registrar to accept the document and to register the same without insisting production of original parent document.

5.This Court has already held that the Sub Registrar has no authority or power under the Registration Act to require original document or title deed or to produce any document to prove one's title. The scope of enquiry by the Sub Registrar for the purpose of registering a document is limited. The circular relied upon by the respondents was not accepted by this Court. It in these circumstances, the contention of the learned Counsel for the petitioner appears to be reasonable. The learned Government Advocate has not come forward with any other valid point for not registering the document or justifying the refusal to register the document by the second respondent for non production of original document.



6. In the above stated circumstances, this Writ Petition is allowed and the second respondent is directed to register the document presented for registration by the petitioner under Application No.S01LANDVV201902152260242, on 15.02.2019, without insisting production of original parent deed, forthwith. No costs.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

cmr

To

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai.

2.The Sub Registrar,
Joint -III, Town Hall,
Tirchirappalli.

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