

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.6172 of 2021

Jothimani

...Petitioner

-Vs-

1.The Sub Registrar,
Registration Department,
Dharapuram,
Tiruppur District.

2.Pachayappan

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue an order of writ of Certiorarified Mandamus, calling for the records relating to the Inpugned 'Refusal Check Slip' dated 12.02.2021 issued by the 1st respondent herein, quash the same and consequently direct the 1st Respondent herein to register the Sale Deed dated 12.02.2021 executed by the petitioner to and in favour of one Yogeswaran within a stipulated period.

For Petitioner : Mr.S.Sriram

For R1 : Mr.T.M.Pappiah

Special Government Pleader

ORDER

The petitioner has presented a sale deed dated 12.02.2021 for registration but, the first respondent has refused registration on the ground that the parent title deed that feeds title to the sale deed in question has not been produced.

2.Mr.S.Srinivasan, learned counsel for Mr.Govi Ganesan, learned counsel for the petitioner submitted that there is no provision either in the Registration Act or in the Rules framed thereunder requiring the party presenting the document for registration to produce the original parent title deed.

3.Mr.T.M.Pappiah, learned Special Government Pleader entered appearance for the first respondent and made a statement that the computerized procedure requires a copy of the original title deed. This is intended only to protect the Authority from certain allegations of criminality, of they joining or conspiring to encourage fraudulent transaction.

4.While there may be some merit in what the learned Special Government Pleader stated, it must also be indicated that the Registration Act does not insist the production of the parent title document as a condition precedent for registration.

5.The petitioner is now required to file an affidavit as to why the parent title deed could not be produced along with a certified copy of the same before the first respondent within a period of two weeks from the date of receipt of a copy of this order. Whereupon, the first respondent shall hold necessary enquiry within the meaning of Section 34(3) and 35 (2) of the Registration Act and then, register the sale deed.

6.The Writ Petition is disposed of accordingly. No Costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Tsg
To

The Sub Registrar,
Registration Department,
Dharapuram,
Tiruppur District.

+1 cc to Government Pleader Sr.No. 20902

W.P.No.6172 of 2021

A.SK(11.06.2021)

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