

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.8162 of 2021

J.Jothiselvam

...Petitioner

Vs

The Joint-II Sub Registrar
Chennai South
Saidpet
Chennai - 600 015.

...Respondent

Prayer : 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 respondent pertaining to Refusal Check Slip dated 19.03.2021, and quash the same and to direct the respondent to register the Release deed dated 19.03.2021 executed by the petitioner and her sisters in favour of their brothers and legal heirs of their deceased brother and to pass orders.

For Petitioner : Mr.P.Sesubalanraja

For Respondent : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The case of the petitioner is that her sisters have jointly executed a release deed in favour of their brother as concerning 8 items of properties and when presented for registration before the respondent, the authority required the parent title deeds of all the properties.

2. The learned counsel for the petitioner submitted that even though the production of parent title deeds are not required in terms of the authority of the Sub Registrar within the scheme of the Registration Act, yet the petitioner produced the title deeds for 6 items of properties and for the remaining 2 items of properties, the parent title documents could not be produced, since they could not be traced. The petitioner therefore applied for the certified copy of those two documents and the same was not complied by the same registering authority on the ground that the documents are crumbled, and that he is not in a position to provide certified copy.

3. Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondent made a fair statement that even though the parent title deeds are not pre-requisite for registration, given the fact that no Sub Registrar, or for

that matter, no registering authority is vested with power to scrutinize the title within the scheme of the Registration Act, yet, the online procedure as has been developed for the registration requires the same, for preventing possible fraudulent transactions. He added that in the instant case, the Sub Registrar concerned could even verify the concerned entries in the Registers as concerning the parent title deeds of those two documents, and can satisfy himself/herself in any other manner possible other than the need for producing the same. The registering authority may also act on any other corroborative documents that would go to probabalise the petitioner's title. This is the precautionary method adopted, though not statutory, added the learned Special Government Pleader.

4. The learned counsel for the petitioner submitted that the petitioner and her sisters can file an affidavit as to the circumstances in which they could not produce either the original documents or the certified copies of the documents and can also produce any other documents that may indicate the pre-existence of the title in them. The said statement of the learned counsel is recorded.

5. The petitioner is now required to present the documents in question, within a period of two weeks from the date of receipt of a copy of this order, after excluding any intervening holidays and comply with the undertaking given above. The respondent herein is now required to register the same, if the documents are otherwise registrable.

6. The writ petition is disposed of in the manner indicated. No costs.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

ds

To:

The Joint-II Sub Registrar
Chennai South
Saidpet
Chennai - 600 015.

+1cc to M/s.P.Sesubalan Raja, Advocate, Sr.No.21698
+1cc to Government Pleader, Sr.No.21942

W.P.No.8162 of 2021

PMK (CO)

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RMF/30/04/2021