



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.12388 OF 2021

AND

W.M.P.NO.13166 OF 2021

S.Parthiban

... Petitioner

Versus

The Sub-Registrar,
O/o. of the Sub-Registrar,
Velakoundampatti,
Periakoundampalayam Village,
Namakkal Taluk & District.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in his refusal check slip bearing Refusal No.RFL/Velakoundampatti/39/2021 dated 04.05.2021 quash the same and direct the respondent to register the lease deed dated 04.05.2021 by accepting the same without insisting on the production of original parent documents.

For Petitioner : Mr.K.R.Krishnan

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This writ petition is filed to quash the refusal check slip bearing Refusal No.RFL/Velakoundampatti/39/2021 dated 04.05.2021, issued by the respondent and direct the respondent to register the lease deed dated 04.05.2021 by accepting the same without insisting on the production of original parent documents.



2. The case of the petitioner is that he purchased the lands situated in S.No.155/2A, 153/1K to 153/1M, 155/3, 1A1, 1B measuring to an extent of 1.35.0 Hectares in (Thindamangalam Group), Periagoundampalayam Village, Namakkal Taluk - Velakoundampatti Survey, Namakkal District, by way of various sale deeds in the year 2007. It is stated that patta and other revenue records were transferred in the name of the petitioner. It is further stated that the petitioner had mortgaged the aforesaid property to one K.S.Ramasamy on 15.05.2018 and created a registered mortgage bearing Doc.No.661/2018 registered on the file of SRO, Velakoundampatti. Since the petitioner wants to lease the land to his son P.Arunkumar, for the purposes of quarrying of Quartz and Feldspar, he sought permission from the Commissioner of Geology and the same was granted vide proceedings in R.C.No.5768/MM6/2011 dated 02.04.2003. It is stated that the petitioner had executed a lease deed on 04.05.2021 and the presented the same for registration in the office of the respondent along with the lease deed dated 04.05.2021 and necessary application for registration. The grievance of the petitioner is that though he produced necessary documents for executing a lease deed, the respondent refused the same by way of refusal check slip No.RFL/Velagoundampatti/39/2021, stating that the original documents were not produced. It is stated that when the property was mortgaged in the year 2018, the petitioner handed over all the previous sale deeds to the mortgagee and hence he could not produce the original documents to the respondent. Instead, the petitioner produced all the xerox copies of the original documents. However, the respondent refused to register the same. Aggrieved by the same, this writ petition is filed before this Court.

3. Learned counsel for the petitioner states that the petitioner has produced the Xerox copies of the Title deeds, Mortgage deed, patta, E.C., which clearly prove the ownership and the right of the petitioner over the property to execute a lease deed. He further submitted that the registering authority cannot return the document for non-production of the original parent document when Xerox copies for registered parental deeds produced are enough to satisfy the ownership of the petitioner. He further submitted that the action of the registrar in refusing to register the lease deed stating that original documents is not produced, is not correct and is against law.

4. The respondent filed a counter affidavit. In the counter affidavit it is stated by the respondent that he was under the impression that production of original document is mandatory to prove the title for registration of any classification of document as per the Circular issued by the Inspector General of Registration under No.18339/C1/2012 dated 25.04.2012. Hence, he issued the impugned check slip refusing to register the lease



deed for non-production of original title deed. It is further submitted that he came to know from the Circular No.18339/C1/2012 dated 25.04.2012 of the Inspector General of Registration that the Sub Registrars have been instructed to verify the original deeds involving transfer of immovable properties such as sale, gift, settlement, exchange or create charge over the property such as mortgage or Power of Attorney. It is stated that after perusing the order of the Inspector General of Registration, he is now satisfied that production of original document to satisfy the title of the lessor is not required for registration of lease deed and the same can be satisfied from the copy of documents and Encumbrance Certificate. It is further stated that the respondent is now ready and willing to register the lease deed of the petitioner.

5. Considering the facts and circumstances of the case and the submissions made on either side this Court directs the petitioner to produce all the relevant documents before the respondent either through online or any other prescribed mode and the respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of documents from the petitioner.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
O/o. of Sub-Registrar,
Velakoundampatti,
Periakoundampalayam Village,
Namakkal Taluk & District.

+1cc to Mr.K.R.Krishnan, Advocate, S.R.No.53680
+1cc to the Government Pleader, S.R.No.54246

W.P.NO.12388 OF 2021

NMI (CO)
PBS/30/12/2021