



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15501 of 2021

V.Natarajan

... Petitioner

Vs.

The Sub-Registrar,
Office of Sub Registrar,
Palladam,
Coimbatore District

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the respondent in RFL/Palladam/6/2021 dated 18.06.2021 and quash the same and consequently direct the respondent to register the settlement deed dated 18.06.2021.

For Petitioner : Mr.N.Stalin

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the respondent in RFL/Palladam/6/2021 dated 18.06.2021 and quash the same and consequently direct the respondent to register the settlement deed dated 18.06.2021.

2. The petitioner's case is that his mother died on 10.02.2017, after her death, his brother became the absolute owner of the property situated at Varapatti village, in Survey Nos.572 and 573/2 at Suler Taluk, Coimbatore District for the extent of 6 Acres and he is retaining the original document in his custody for the safety purpose. Since both the families have enlarged, it will be impossible for the legal heirs to



manage the property as per the earlier settlement deed. Hence the petitioner decided to settle the property in favour of his wife, viz., Valliammal. Therefore, the petitioner made several request to his brother to produce the original document, but the same was neglected and his brother refused to provide it. Thereafter, the petitioner had approached the respondent to register the property in his house name, however, the respondent scrutinised all the documents and issued the refusal check slip in RFL/Palladam/6/2021 dated 18.06.2021 by stating the reason as "Original Document Not produced". Hence the petitioner has filed the present Writ Petition seeking the said prayer.

3. The learned counsel for the petitioner submits that the registering officer has no power to return the document for non-production of original document, as the Registration Act, 1908 and the Rules framed thereunder do not contemplate production of the original documents for registering any subsequent deed of conveyance and placed reliance on the Order passed by this Court in K.S.Vijayendran Vs. The Inspector General of Registration and Another reported in 2011 (2) LW 648.

4. The learned counsel for the petitioner contends that there is no provision in the Registration Act, 1908 of the Tamilnadu Registration Rules, 1983, which confers power to the Registering officers to insist production of original / parental document and also cited the order passed by this Court in W.P. (MD) No.11426 of 2018 and prayed to quash the impugned order dated 18.06.2021.

5. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondent, on instructions from the officer of the respondent/Department submitted that a direction may be issued to the petitioner to produce a Certified Copy of the Original document and eight weeks time may also be granted to the respondent to consider the same.

6. On going through refusal check slip, it is found that original documents have not been produced. In view of the fact that there are innumerable bogus documents and the same are registered on day today basis, the Registering Authority has requested to produce the original documents in order to curtail the malafide transactions and forged documents. Further, only based on the appropriate guidelines issued by the Hon'ble Division Bench of this Court and in order to substantiate that there is no forgery in the transactions that are being registered, the concerned authorities are seeking production of the original documents. That being the case, the petitioner's contention that the authorities cannot request the parties to produce original documents, cannot be accepted.



In view of the above and in order to verify the title of the concerned parties and to avoid unnecessary further litigation in the transaction, the petitioner is directed to apply for a certified copy of a document in question through online and submit the same to the registering authority / respondent along with the supporting documents to establish the identity and title of the parties. On receipt of such documents, the respondent is directed to consider and pass orders on merits and in accordance with law within a period of eight weeks thereafter.

In the result, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssd

To

The Sub-Registrar,
Office of Sub Registrar,
Palladam,
Coimbatore District

+1cc to Mr.N.Stalin, Advocate Sr No.42884
+1cc to Government Pleader Sr No.43046

W.P.No.15501 of 2021

GPL (CO)
PR (16/09/2021)