



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.16246 OF 2021

S.Jayalakshmi

... Petitioner

Vs.

The Sub-Registrar,  
Office of Sub Registrar,  
K.R.Puram,  
Padappai

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of check slip dated 24.06.2021 issued by the respondent and quash the same and consequently direct the respondent to register the settlement deed dated 24.06.2021 presented by the petitioner.

For Petitioner : Mr.C.Venkatesan

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 records relating to the impugned order of check slip dated 24.06.2021 issued by the respondent and quash the same and consequently, direct the respondent to register the settlement deed dated 24.06.2021 presented by the petitioner.

2. According to the petitioner, she has purchased the property comprised in Survey No.392/4 measuring an extent of 18 cents situated at Perungalathur Village, Tambaram Taluk, presently, Chengalpattu District. Further, the petitioner's



vendor had purchased from one M.Muthuswamy devar, who had sold 18 cents out of 1.07 Acres in favour of T.Nirmala by way of sale deed in Document No.1141 / 1986 and the said Nirmala conveyed to and in favour of petitioner's vendor, namely, Amsaveni, Karthirajan and Dineshrajam and the petitioner purchased the same from the said persons through his power agent S.Sekar under a sale deed dated 14.11.2011 and the same was registered as Document No.7091 of 2011 before SRO - Padappai.

3. It is also the case of the petitioner that the patta was obtained and one flat promoter, namely, M/s ANZ Foundations, rep, by proprietor, A.Ziauddin Ahamed approached the petitioner for joint venture of petitioner's property and the petitioner had entered into J.V.Agreement on 07.12.2012 and the petitioner was given the general power of attorney on 13.12.2012 document bearing no.7632 of 2012 for sub division approval and all developments and promote the same. The petitioner had also handed over all the original title deeds and power of attorney in the hands of promoters at the time of J.V.Agreement. Further, the said A.Ziauddin Ahamed after obtaining the general power of attorney, did not do any act as per power of attorney and he conveyed portion of property of 1932 sq.ft., in his wife, namely, Nazreen Zia, sale deed dated 04.06.2015, vide document no.4281 of 2015, SRO Padappai and he acted upon contrary to contract, conveying the plot A to the extent of 1932 sq.ft., and there is no sale consideration paid to the petitioner and hence the petitioner approached the District Munsif, Tambaram in O.S.No.369 of 2015 for permanent injunction. In order to safeguard the property, the petitioner decided to settle the property in favour of her husband, thereby prepared the settlement deed and presented the deed for registration. The respondent returned the settlement deed with Check slip dated 24.06.2021 for want of parent deed, hence the petitioner is before this Court.

4. 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.

5. 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. He would also contend that the petitioner cannot produce the original document and prayed the



Court to register the document in the absence of the sale deed and to quash the impugned order dated 18.06.2021.

6. 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.

7. On going through refusal Check Slip, it is found that original sale deed D.No.7091/2011 purchased by Mrs.S.Jayalakshmi W/o Sekar and the original document with regard to the schedule of the property of Mrs.S.Jayalakshmi, who has given Power to Ziauddin Ahmad in D.No.7632/2012 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.

8. 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 approach the concerned authority and obtain a certified copy of a document by producing other relevant documents to prove that the documents, involved in the said sale deed belongs to her and she can also produce the plaint, as evidence and submit the same before 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-II)

// True Copy //

Sub Assistant Registrar

ssd



To

The Sub-Registrar,  
Office of Sub Registrar,  
K.R.Puram,  
Padappai.

+1cc to Mr.C.Venkatesan, Advocate, S.R.No.42741

+1cc to the Government Advocate, S.R.No.43047

W.P.No.16246 of 2021

SSI(CO)  
RLP(22/09/2021)