



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20209 of 2021

P.Muthan

... Petitioner

Vs.

The Sub-Registrar,
Office of Sub Registrar,
Velur, Paramathy Velur Taluk,
Namakkal 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 record pertaining to the impugned refusal check slip in Refusal No.RFL/Velur/61/2021, dated 28.07.2021, passed by the respondent and to quash the same as illegal, incompetent and ultra-vires and consequently, direct the respondent to register the sale deed without insisting for the production of original parent document within the stipulated time.

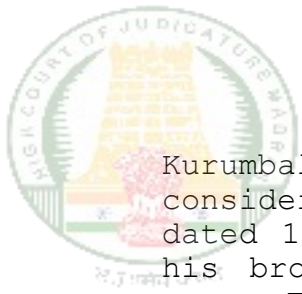
For Petitioner : Mr.M.Lokesh

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 pertaining to the impugned refusal check slip in Refusal No.RFL/Velur/61/2021, dated 28.07.2021, passed by the respondent and to quash the same as illegal, incompetent and consequently, direct the respondent to register the sale deed without insisting for the production of original parent document within the stipulated time.

2. The brief facts of the case is that the petitioner and his brother had purchased the property from one Anthoniyammal, to an extent of 0.14-1/3 acres in new SF.No.47/2A in



Kurumbalamagadevi Village, Namakkal District for a valuable consideration and the same was registered vide Doc.No.241/1994 dated 10.06.1994 and from the said purchase, the petitioner and his brother are the absolute possession and enjoyment of the same. The petitioner decided to sell his undivided half share property in favour of one E.N.Madeswaran, therefore, a sale deed dated 28.07.2021 was prepared and presented for registration along with all the required documents before the respondent with prescribed fees along with certified copy of the parent document, however the respondent refused to register the document and returned the sale deed by stating that "previous original parent document not produced for verification", Since the property was purchased by the petitioner and his brother in the year 1994, due to some personal difference of opinion between the petitioner and his brother, the petitioner's brother refused to give the original parent document. As against the refusal check slip dated 28.07.2021, issued by the respondent, the petitioner has come forward with this petition.

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.

4. The learned counsel for the petitioner contends that as per the Encumbrance Certificate, there is no alienation or transfer from the year 1994 till date and the act of the respondent is without application of mind and prayed to quash the impugned order dated 28.07.2021.

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 respondent to consider the prayer of the petitioner 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 are with the reasons stated above. Hence the impugned Refusal Check Slip in Refusal No.RFL/Velur/61/2021 dated 28.07.2021 passed by the respondent is set aside.

7. Considering the facts and circumstances of the case and taking note of the fact that the petitioner has produced a certified copy of the document along with the necessary documents establishing the title and identity of the parties, the respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

ssd

To

The Sub-Registrar,
Office of Sub Registrar,
Velur, Paramathy Velur Taluk,
Namakkal District

+1cc to the Government Pleader, S.R.No.52034

W.P.No.20209 of 2021

PM(CO)
SU(27/10/2021)