



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.24375 OF 2021

S.Sampoornam

...Petitioner

Vs

The Sub-Registrar,
The Office of Sub Registrar,
Thiruchengode - 637 302,
Namakkal District.

...Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned Refusal check Slip in Refusal No.RFL/Thiruchengode/ 89/2021, dated 16.09.2021, passed by the respondent and to quash the same as illegal, incompetent and ultra-vires and consequently direct the respondent to register the settlement deed presented by the petitioner for registration without insisting for the production of original parent document within the time stipulated by this Court.

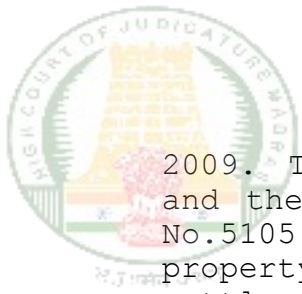
For Petitioner : Mr.M.Lokesh

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned Refusal check Slip in Refusal No.RFL/Thiruchengode/89/2021, dated 16.09.2021, passed by the respondent and to quash the same as illegal, incompetent and ultra-vires and consequently direct the respondent to register the settlement deed presented by the petitioner for registration without insisting on production of original parent document, within the time as may be stipulated by this Court.

2. The petitioner had purchased the property of an extent of 1320 sq.ft comprised in S.F.No.172/2B, New T.S.L.R.No.3, Block-5, Ward-E situated at Thiruchengode Village, Thiruchengode Taluk, Namakkal District for a valuable consideration, by registered sale deed dated 04.11.2009, vide Document No.7670 of



2009. Thereafter, the petitioner Revenue Records were mutated and the patta stands in the name of the petitioner's in Patta No.5105. Subsequently, the petitioner decided to settle the property in favour of her two sons and accordingly, she executed settlement deed dated 16.09.2021 and presented for registration before the respondent with all required documents and prescribed fees. However, it was returned for the reason that the petitioner failed to produce original parent document for the said property while presenting the settlement deed for registration.

3. On a perusal of the records, it is seen that the petitioner, while presenting the settlement deed for registration, also annexed the certified copy of the parent title deed and also Encumbrance Certificate to show that there is no encumbrance in the subject property after her purchase. The parent document has been misplaced and as such, she obtained certified copy of the same and produced it along with the settlement deed. Therefore, the respondent ought not to have returned the settlement deed for non production of original parent deed. Hence, the impugned order of the Refusal Check Slip cannot be sustained and it is liable to be set aside.

4. In view of the above discussion, the impugned order dated 16.09.2021 is set aside. The petitioner is directed to re-present the settlement deed for registration and on receipt of the same, the respondent is directed to register and release the same forthwith in accordance with law.

5. In the result, this Writ Petition is allowed as prayed for. No costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

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To

The Sub-Registrar,
The Office of Sub Registrar,
Thiruchengode - 637 302,
Namakkal District.

+lcc to Mr.M.Lokesh, Advocate SR.No.58627
+lcc to the Government Pleader SR.No.59427

W.P.No.24375 of 2021

KG(CO)
RVM(07/12/2021)