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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

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THE HON'BLE MRS.JUSTICE DR.ANITA SUMANTH

W.P.NO.28131 OF 2021

M.Magesh ... Petitioner

.Vs.

The Sub-Registrar,
Joint No.1, Erode,
Erode District. ... Respondent

PRAYER:-

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the respondent to register the document presented by the petitioner for registration without insisting for the production of the original document in the light of the order made by this Court in W.P.(MD) No.19745 of 2020 dated 11.02.2021, within a time frame fixed by this Court.

For Petitioner : Mr.K.A.Mariappan

For Respondent : Mr.R.Kumaravel,
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondent to register the document presented by the petitioner, without insisting upon the production of the original documents, and in the light of order passed by this Court on 11.02.2021 in W.P.(MD) No.19745 of 2020.

2. The petitioner claims to be the owner of several immovable properties in Erode and proposes to mortgage some of the properties to raise finance for medical purposes. There were difficulties in the registration process as the respondent had insisted upon the production of original title deeds/parent

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documents for verification, as a pre-condition for the required registration.

3. The petitioner would submit that certified copies of the parent document were duly produced which did not find favour with the respondent. Moreover, this Court, in the order relied upon by the petitioner, has reiterated the settled position that production of originals of the title deeds should not be insisted upon and that certified copies would suffice for the purposes of registration.

4. There is no dispute on the aforesaid settled position. However, Learned Additional Government Pleader Mr.R.Kumaravel would deny the factum of presentation of any document at all for registration by the petitioner. He submits, and rightly so, that if the document stated to have been presented had been accompanied by the required certified copies of the parent documents, it was incumbent upon the authority concerned either to register the same or reject the request for registration by way of a speaking order setting out the reasons for such rejection.

5. The matter thus assumes a very limited canvas and the dispute on hand can well be resolved by permitting the petitioner to appear before the respondent for registration along with certified copies of all required annexures for verification.

6. Since some urgency for funds is expressed by the petitioner citing medical exigencies, the petitioner is permitted to appear before the respondent for the registration process with all relevant documents on 05.01.2022 at 10.30 a.m. The respondent shall register the documents presented bearing mind the observations in this order as well as order passed by this Court in W.P. (MD) No.19745 of 2020 on 11.02.2021.

7. The above direction is based upon concurrence expressed by both learned counsel and upon their ascertaining the convenience of the parties. This writ petition stands disposed as above. No costs.

Sd/-
Assistant Registrar (VC)

//True Copy//

Sub Assistant Registrar

gsk/jer

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To

The Sub-Registrar,
Joint No.1, Erode,
Erode District.

+1cc to Mr.K.A.Mariappan, Advocate, S.R.No.69935
+1cc to the Government Pleader, S.R.No.69956

W.P.NO.28131 OF 2021

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