



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.7868 of 2021

T.Thirumalairaj

...Petitioner

Vs.

The Sub Registrar,
(Document Registration),
Chathirapatti Sub Registration Office,
Oddanchathiram Taluk,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ Certiorarified Mandamus, calling for the records of the impugned order of the respondent in his proceeding in Na.Ka.No.47/rhg கத்திரப்பட்டி/2021, dated 01.04.2021 and quash the same as illegal and consequently direct the respondent to register the documents presented by the petitioner for registration without insisting for the production of original parent document in light of the order made by this Court in K.S.Vijayandran Vs. IG of Registration 2011 (2) LW 648, within the time that may be stipulated by this Court.

For Petitioner : Mr.V.Muthukamatchi

For Respondents : Mr.K.Sathiya Singh,
Additional Government Pleader

O R D E R

On consent given by either side, the main writ petition itself is taken up for final hearing.

2.This writ petition has been filed challenging the impugned notice issued by the respondent, dated 01.04.2021, wherein the respondent has insisted for production of the original parent documents as a condition precedent to register the lease agreement that was presented for registration.

3.The case of the petitioner is that the subject property belongs to the brother of the petitioner and he has executed a Power of Attorney in favour of the petitioner and the petitioner as an agent has been permitted to deal with the property. Based on this Power of Attorney document, the petitioner entered into a lease agreement on 26.03.2021 and this document was submitted for registration before the respondent. While presenting this document for registration, the petitioner had also produced the original Power of Attorney, Life Certificate and also the certified copy of the Original title deed.



4.The grievance of the petitioner is that the respondent has issued the impugned notice insisting for the production of the original title deed and in the absence of the same, has refused to register the lease agreement. Aggrieved by the same, the present writ petition has been filed before this Court.

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5.Heard Mr.V.Muthukamatchi, learned counsel for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader, for the respondent.

6.The issue raised in the present writ petition is squarely covered by the Judgment of this Court in **Sivanadiyan Vs. Sub Registrar, Pudukottai**, reported in **2021 (2) CTC 526**. This Court has taken into consideration the earlier orders passed in this regard and has held that production of original title deeds is not mandatory for registration of documents and the Circular issued in this regard by the Inspector General of Registration cannot have a legal sanctity, unless it is authorised by the provisions of the Registration Act.

7.In the present case, the insistence for the production of the original title deed was based only on the Circular of the Inspector General of the Registration and the same has been held to be unsustainable by this Court.

8.In view of the above discussion, the impugned notice issued by the respondent dated 01.04.2021, is hereby quashed and there shall be a direction to the respondent to register the lease agreement, if the same is otherwise in order and the necessary stamp duty and the registration charges are paid by the petitioner. The said document shall be released immediately after registration.

9.This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Sub Registrar,
(Document Registration),
Chathirapatti Sub Registration Office,
Oddanchathiram Taluk,
Dindigul District.

+1 CC to M/s.AGP (SR-16240[F] dated 17/04/2021)

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-16137[F] dated
17/04/2021)

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