



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 24.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.7739 of 2019
(Through Video Conferencing)

P.Saravanan

... Petitioner

Vs.

The Joint 1 Sub Registrar

Madurai North

Madurai North Combined Registration Office Buildings,

Rajakambeeram

Madurai 625 107.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records with impugned refusal check slip number RFL/1/2019 dated 26.03.2019 on the file of Joint 1 Sub Registrar Madurai (North) and quash the same and consequently to direct the respondent to register the settlement deed dated 26.03.2019 executed by petitioner in favour of his wife Vijayalakshmi regarding the building bearing door number 31 to the extent of 2099.25 square feet in T.S.No.1243 survey ward 7 Madurai at Joint 1 Sub Registrar, Madurai North Registration District.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.R.Suresh Kumar

Government Advocate

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 26.03.2019.

2. The grievance of the petitioner is that when a settlement deed executed on 26.03.2019 by the petitioner in favour of his wife was presented for registration before the respondent, the respondent had refused to register the document on the ground that the original document was not produced.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

4. The issue involved in the present writ petition is squarely covered by the judgment of this Court in **Sivanadiyan v. Sub Registrar, Pudukottai, Pudukottai District**, reported in **2021 (2) CTC 526**. This Court has categorically held that the registering



authority is not empowered to insist on the production of the original documents in the absence of any specific provisions under the Registration Act.

5. In view of the above, the impugned refusal check slip issued by the respondent is hereby quashed and there shall be a direction to the respondent to entertain the document presented for registration, if it is otherwise in order and necessary stamp duty and registration charges are paid. The document shall be released after registration.

6. This writ petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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.

To

The Joint 1 Sub Registrar

Madurai North

Madurai North Combined Registration Office Buildings,

Rajakambeeram

Madurai 625 107.

+1 CC to M/s.SPL GP (SR-20321[F] dated 25/06/2021)

W.P. (MD)No.7739 of 2019

24.06.2021

NSM(CO)

TR(08.07.2021) 2P 3C