



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14873 of 2021

and

W.M.P. (MD)Nos.11783 and 11784 of 2021

G.Navaneetha Krishnan

... Petitioner

Vs.

The Sub Registrar,
Ottanchathiram Registration Office,
Dindigul District.

... Respondent

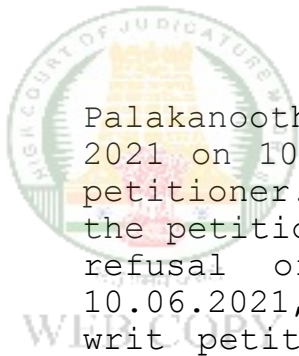
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records relating to the proceedings of the impugned order of the respondent passed in of refusal Check Slip in RFL/ottanchathiram/41/2021, dated 26.07.2021 and quash the same as illegal and further directing the respondent to register the document dated 09.06.2021 executed by the petitioner relating to land situated in Survey number 536/1 admeasuring 1 acre and 20 Cents at Palakanoothu village, Dindugal District.

For Petitioner : Mr.Chamundi Bose for Mr.Kathiresan
For Respondent : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner challenges the refusal check slip dated 26.07.2021 of the respondent herein and seeks a direction for the registration of the document dated 09.06.2021.

2. The petitioner states that his mother had purchased the property bearing Survey No.536/1 admeasuring 2 acres and 26 cents at



Palakanoothu Village, Dindigul District under document No.1125 of 2021 on 10.6.2021. She executed a settlement deed in favour of the petitioner. Such settlement deed was not registered. On 09.06.2021, the petitioner executed a sale deed in favour of one Murugesan. Upon refusal of the respondent to register the said document on 10.06.2021, the petitioner filed W.P(MD).No.11025 of 2021. The said writ petition was disposed of by order dated 05.07.2021 and the petitioner was directed to make his mother as a confirming party to the sale deed and, thereafter, present such document for registration. The petitioner followed the aforesaid direction and submitted the document for registration. The registration was refused under the impugned check slip dated 26.07.2021 on the ground of non-production of the original parent document.

3. The learned counsel for the petitioner refers to an earlier order of this Court in **Lakshmi Ammal Vs Sub Regsitrar, Villivakkam, Chennai and others in W.P.No.4535 of 2015**, dated 05.03.2015, by which this Court held that the Registration Department cannot refuse registration by insisting on the production of the original parent document. Such finding was rendered on the basis that the Registration Act, 1908, does not enable refusal of registration on that ground.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. His first contention is that the order passed under Section 71 of the Registration Act, 1908 is an appellable order under Section 72 thereof. His second contention is that the petitioner should have produced the relevant patta or other revenue records in lieu of the original parent documents.

5. The order impugned cites only one reason for refusal, namely, that the original parent document had not been produced.

6. In the light of the consistent view taken by this Court with regard to the non-production of the original parent document, the order impugned cannot be sustained. At the same time, it should be borne in mind that the original parent documents are called for primarily to ensure that the relevant property is not subject to mortgage or any other encumbrance.

7. Accordingly, the matter is remitted to the respondent herein for reconsideration of the petitioner's request for registration. It will be open to the petitioner to provide an explanation for the non-production of the original parent document and also to file revenue records or any other documents in support of the request for registration. The respondent is directed to consider such request for registration and dispose of the same within 30 days from the date of resubmission as aforesaid, after taking into account the observations contained in this order and the earlier judgment of this Court in this regard.

8. W.P(MD).No.14873 of 2021 is disposed of on these terms
<https://hcservices.ecourts.gov.in/hcservices/>



without any order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Kmm

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 Sub Registrar,
Ottanchathiram Registration Office,
Dindigul District.

+1 CC to M/s.GP (SR-27039[F] dated 24/08/2021)

W.P (MD) No.14873 of 2021
23.08.2021

MGJ(01.09.2021) 3P 3C