



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15040 of 2021

Mahmoodhul Hasan

... Petitioner

Vs.

1. The District Registrar,
O/o. The District Registrar,
Ramanathapuram, Ramanathapuram District.

2. The Sub Registrar (Joint No.1),
O/o.The Sub Registrar (Joint No.1),
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Check Slip Refusal No.RFL/1 எண் இணை சார்பதிவாளர் ராமநாதபுரம் /8/2021 dated 04.08.2021 issued by the 2nd Respondent herein and to quash the same as illegal and consequently direct the 2nd respondent to register the General Power of Attorney Deed executed by the Petitioner in favour of Selvamuniyasamy S/o. Serman, in accordance with law within time stipulated by this Hon'ble Court.

For Petitioner : M/s. D. Balamurugapandi
For Respondents : Mr.R.Baskaran,
Counsel for State

ORDER

The petitioner assails a refusal check slip dated 04.08.2021 of the second respondent herein.

2. The petitioner states that his wife purchased the property bearing Survey No.279/1A, now Town Survey No.16/1, Ward-A, Block-1 of an extent of 85 cents by sale deed dated 28.08.1996, which was registered as Document No.722/1986. It is stated that the said original parent document was misplaced. Indeed, the petitioner contends that his wife had filed O.S.No.82 of 1999 before the Sub-Court, Ramanathapuram and even in such suit, a certified copy of the parent sale deed was marked as an Exhibit in view of the original having been misplaced.

3. In view of the attempts to encroach upon the petitioner's property and the inability of the petitioner to handle such affairs, it is stated that the petitioner executed a general power of attorney in favour of one Mr.C.Selva muniyasamy. Upon presentation of such document, before the second respondent for registration on



04.08.2021, the second respondent refused to register the document on the sole ground that the original parent document was not produced by the petitioner. The present writ petition is filed to challenge the said order.

4. Mr.R.Baskaran, learned Counsel for the State, accepts notice on behalf of both the respondents. He submits that the party presenting the document for registration is required to submit revenue records such as the patta and other corroborating evidence in case the original parent document is unavailable. He cites a circular to such effect.

5. In response, learned counsel for the petitioner points out that he has submitted a copy of the patta and other available documents in terms of such circular.

6. This court has held consistently in at least four judgments that the registration authority cannot refuse to register a document on the sole ground that the original parent document has not been produced. The rationale for calling upon a party to produce the original parent document is to ensure that the relevant property is not subject to a mortgage or other encumbrance by depositing the original title deeds in such connection. Therefore, an explanation may be called for and any other documents in terms of the relevant circular may be requested for. In the case at hand, the petitioner has contended that he produced the patta and other corroborating documents. In these circumstances, the respondent was clearly not justified in refusing to register the document solely on the ground that the original parent deed is unavailable.

7. Accordingly, W.P.(MD).No.15040 of 2021 is allowed by quashing the impugned refusal check slip dated 04.08.2021. As a consequence, the matter is remitted to the second respondent. The petitioner is permitted to resubmit the relevant document for registration along with all supporting documents. Upon receipt thereof, the second respondent is directed to consider the request for registration by taking into account the observations in this order and complete the entire exercise within a period of thirty (30) days from the date of receipt of the resubmitted document along with the supporting documents. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn/nsr

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,
<https://hcservices.courts.gov.in/hcservices/>



ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Registrar,
O/o. The District Registrar,
Ramanathapuram,
Ramanathapuram District.
2. The Sub Registrar (Joint No.1),
O/o.The Sub Registrar (Joint No.1),
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-27235[F] dated 25/08/2021)

+1 CC to M/s.GP (SR-27371[F] dated 26/08/2021)

W.P (MD) No.15040 of 2021
25.08.2021

RD(2.09.2021) 3P 5C