



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17197 of 2021

V.Marimuthu

... Petitioner

Vs.

The Sub Registrar,
Aruppukottai,
Virudhunagar District.

... Respondent

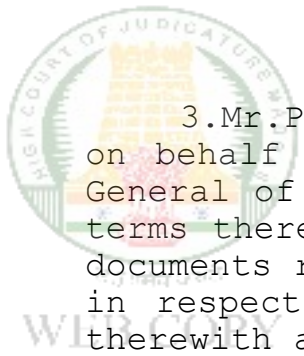
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the impugned return slip issued by the respondent dated 08.09.2021 and quash the same and consequently directing the respondent to register the document presented by the petitioner for registration without insisting for the production of original parent document.

For Petitioner : Mr.C.Jeganathan
For Respondent : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner challenges a return slip issued by the respondent on 08.09.2021 upon the presentation of a document for registration by the petitioner.

2.The petitioner states he is the owner of the properties purchased under sale deeds dated 20.05.2002, 07.09.2009 and 14.09.2011, respectively, bearing Document Nos.704/2002, 5160/2009 and 6707/2011, respectively. On account of a matrimonial dispute between the petitioner and his wife, it is alleged by the petitioner that his wife misappropriated the title documents pertaining to the above mentioned properties. Therefore, the petitioner lodged a complaint with the Superintendent of Police, Sivagangai on 09.01.2020. The relevant complaint and the acknowledgment in relation thereto are cited. The petitioner states that he decided to execute a settlement deed in favour of his daughter, Jeyakumari. Upon submission of the relevant document to the respondent herein, the petitioner was shocked to receive the return slip by which the respondent refused to register the document on the ground of non-production of the original parent documents. The petitioner states that the impugned order is unsustainable in light of earlier judgments of this Court, including the judgment reported in **2021 (2) CTC 526.**



3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the Inspector General of Registration has issued circulars from time to time. In terms thereof, a party who is unable to produce the original parent documents relating to a property should produce the police complaint in respect thereof, the paper publications effected in connection therewith and documents such as the patta in respect of the relevant property. If the petitioner submits these documents along with an explanation for the failure to produce the original parent documents, he states that the respondent would consider the same and dispose of the request for registration in accordance with law.

4.Registration authorities call for the production of the original parent documents so as to ascertain whether the executant of the document is entitled to execute such document. Although registration authorities cannot decide questions of title, they are required to *prima facie* examine whether the executant of a document is entitled to execute such document. In addition, the original parent documents are called for so as to ensure that the relevant property is not the subject matter of a mortgage or other encumbrance. However, it is possible that a party has legitimate reasons for failing to produce the original parent documents. Therefore, a party who is unable to produce the original document should provide an explanation in relation thereto and also produce a copy of the police complaint, paper publication and revenue records in relation to the relevant property so as to justify such non-production. However, the registration authorities should not refuse to register a document solely on account of non-production if the party concerned produces the documents adverted to above and also provides an explanation in such regard. To that extent, the impugned order is unsustainable and is quashed.

5.For reasons set out above, the petitioner is permitted to re-submit the relevant document for registration by enclosing the documents referred to above. Such re-submission shall be done within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the respondent herein is directed to re-consider the matter by taking into account the observations set out in this order. The respondent shall issue notice to the petitioner's wife, Muthulakshmi, and consider her objections, if any. In any event, the entire exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner as well as objectors, if any.



6.W.P.(MD).No.17197 of 2021 is disposed of on these terms without any order as to costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar ()

/ /2021

Sub Assistant Registrar(CS)

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,
Aruppukottai,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-30314[F] dated 27/09/2021)

W.P (MD) No.17197 of 2021
24.09.2021

RS (04.10.2021) 3P 3C