



Administration in favour of the petitioner. While so, the said Veda Desikan and S.Madhavan intended to release their 2-3rd rights and interest over the schedule mentioned property in favour of Mrs.Vijayalakshmi Ratnam and presented a Single Release Deed before the respondent on 05.01.2022, by paying suitable stamp duty. However to the shock and surprise of the petitioner, the respondent refused to register the Release Deed dated 05.01.2022 for the sole reason that the original documents is not produced and passed the impugned order dated 05.01.2022. Challenging the same, the present petition is filed.

3.The learned counsel appearing for the petitioner submitted that there is no provisions under the Registration Act or the Rules, contemplating the Registrar to require the party appearing before him for presenting documents and to produce the original title deeds relating to the property. However, the issue on hand is covered in the case in W.P.(Md).NO.19745 of 2020, wherein the decisions of this Court has been placed reliance upon by the learned counsel for the petitioner therein and this Court has also quashed the impugned refusal slip therein and the respondents were directed to register the documents presented by the petitioner for registration, if the document is otherwise in order, without insisting on the production of original parent document, in terms of the law laid down by this Court in the three decisions and hence prays for allowing of this petition.

4.The learned Special Government Pleader appearing for the official respondents submitted that in the recent past, the fraudulent documents were presented, without originals of the Title Deed for registration and in order to curb the said illegal actions, the official respondents are taking effective steps by not registering the documents without proper documents and even in the present case, the petitioner had produced the copy of the documents without securing non traceable certificate from the law enforcing agency. Further if the petitioner presented the copy of the parent document along with non traceable certificate from the law enforcing agency, the petitioner's claim will be considered and appropriate orders will be passed.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.There was a technical force in the arguments of the learned Special Government Pleader for the respondents. However in the present case, as held by this Court in the above said W.P.(Md).NO.19745 of 2020 that there is no provisions under the Registration Act or Rules, which confers power to the Registering Officer to insist for the original title deeds



relating to the property. In the present case, the respondent refused to register the Release Deed for the sole reason that the original document is not produced. Hence by applying the decision in W.P.(Md).NO.19745 of 2020, this Court is inclined to set aside the impugned order dated 05.01.2022.

7. In view of the above, this Writ Petition is allowed and the impugned order in Refusal Slip dated 5/1/2022 bearing Refusal No.RFL/Thiyagarayanagar/3/2022 issued by the respondent, is set aside and the petitioner is directed to file appropriate complaint before the jurisdictional Police Station for tracing the parent documents. If any such complaint is filed, the Station Officer of the said jurisdictional Police Station may issue a non traceable certificate after conducting due enquiry, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the petitioner may present the copy of the parent document along with the non traceable certificate before the respondent for registration and the respondent shall register the same as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar
T.Nagar, Chennai

+3cc to Mr.K.Jagannathan, Advocate, S.R.No.8626

+1cc to the Government Pleader, S.R.No.9228

W.P.No.2471 of 2022

MT(CO)
RGA(03/03/2022)