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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6204 of 2022
and
W.M.P.No.6272 of 2022

Venkatesan

... Petitioner

Vs.

1. The District Registrar,
Thiruvannamalai,
Thiruvannamalai.
2. The Sub Registrar,
Kilpennathur,
Thiruvannamalai District.

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ or direction or order more particularly in the nature of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent's impugned refusal slip RFL/Kilpennathur/67/2021 dated 24.12.2021 and quash the same as illegal and consequently direct the 2nd respondent to register the documents presented by the petitioner for registration without insisting for produce of original parent document and accept online police complaint acknowledgment Ref No.CAV21189322 and daily paper publication.

For Petitioner : Mr.C.Elamurugan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent's impugned refusal slip RFL/Kilpennathur/67/2021 dated 24.12.2021 and quash the same as illegal and consequently direct the 2nd respondent to register the documents presented by



the petitioner for registration without insisting him to produce the original parent document and accept the on-line police complaint and daily paper publication.

2. The case of the petitioner is that petitioner purchased the land in S.Nos.285/1, 285/3, 285/5 measuring an extent of 1560 sq.ft. situated at Kilpennathur Village vide sale deed dated 18.04.2011. When that being so, the petitioner lost the parent documents of the above said property on 08.12.2021. While so, the petitioner lodged a Police complaint on 10.12.2021. When the petitioner decided to sell the said property to one Ezhumalai, the documents were presented before the 2nd respondent and the same was rejected by 2nd respondent along with a refusal slip No.RFL/Kilpennathur/67/2021 dated 24.12.2021 on the ground that CSR copy of Police complaint regarding parent document was lost. For quashment of the impugned order, the petitioner has come up with the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that though the petitioner annexed the certified copy of the parent document, even then the respondent refused to register the document is not sustainable, the issue involved in the present case, is no more res-integra. He further relied upon the decision of this Court in W.P.(MD) No.19745 of 2020, order dated 11.02.2021. The relevant portion of the above said order is extracted hereunder:-

"8.This Court is entirely in agreement with the submissions made on behalf of the petitioner in this regard. The latest decision of the learned Single Judge appears to have not considered the implication of the Circular with reference to the scheme of the relevant Act. On the other hand, the above three decisions cited on behalf of the petitioner would certainly hold the field and in which event, insistence on production of original Title Deeds by the Registering Authority is without any authority of law. The Circular issued by the Inspector General of Registration, Chennai in this regard cannot have any sanctity, unless the power of issuance of such Circular is authorized under the provisions of the Act. This Court has consistently held that no such power can be read into Act, in the absence of any specific provisions and in that view of the matter, as rightly contended by the learned Counsel for the petitioner, the subject issue is no more res-integra. As far as the latest decision of the learned Single Judge is concerned, being a kind of a contra view, this Court is of the opinion that the order passed by the learned Single Judge of this Court in W.P.(MD)No.16768 of 2020, dated 26.11.2020 has not appreciated the provisions of the Act,



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as the reasons of the learned Single Judge are contrary to the well considered earlier Judgments of this Court. The learned Judge has reasoned without any specific reference to the scheme of the Act, which governs the registration."

4. The learned Special Government Pleader appearing for the respondents submits that the document presented by the petitioner was rejected by the respondent on the ground that parent document was not annexed along with the document.

5. In view of the decision of this Court in W.P.(MD)No.19745 of 2020, order dated 11.02.2021, makes it clear that, there is no need to present the parent document, certified copy of the parent document is sufficient to entertain the document for registration.

6. Accordingly, this Writ Petition is disposed of and the petitioner is directed to produce a copy of the parent document and on-line copy of the police complaint before the 2nd respondent and if the documents are produced, the 2nd respondent is directed to entertain the documents presented by the petitioner and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, and the petitioner is directed to pay requisite Stamp Duty and Registration Charges. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

rap/sk

To

1. The District Registrar,
Thiruvannamalai, Thiruvannamalai.

2. The Sub Registrar,
Kilpennathur, Thiruvannamalai District.

+2ccs to Mr.C.Elamurugan, Advocate, S.R.No.18361

+1cc to the Government Pleader, S.R.No.19150

W.P.No.6204 of 2022

RK[co]

NSK 19/04/2022