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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.NO.6833 OF 2022

A.Jagadeesan

...Petitioner

Vs.

The Sub-Registrar,
The Office of the Sub-Registrar,
Thiruchengode-637-211,
Namakkal District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire record pertaining to the impugned Refusal Check Slip in Refusal No.RFL/Thiruchengode/16/2022, dated 05.03.2022, passed by the respondent and to quash the same as illegal, incompetent and ultra-vires and consequently direct the respondent to register the sale deed presented by the petitioner for registration without insisting for the production of previous original document withing the time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Lokesh

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned Refusal Check Slip in Refusal No.RFL/Thiruchengode/16/2022, dated 05.03.2022, passed by the respondent and to quash the same as illegal, incompetent and ultra-vires and consequently direct the respondent to register the sale deed presented by the petitioner for registration without insisting for the production of previous original document within the time stipulated by this Court.

2. The learned Special Government Pleader appearing on behalf of the respondent takes notice for the official respondent. In view of the limited relief sought for in this



petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, the petitioner has purchased the property in S.F.No.112/1A, in Tho.Goundam Palayam Village, Thiruchengode Taluk, Namakkal District and the same was registered as Document No.9065 of 2011, on the file of the respondent office. Thereafter, the petitioner executed a Sale deed in favour of third party and presented before the respondent for registration. However, the same was returned in Refusal No.RFL/Thiruchengode/16/2022, dated 05.03.2022, on the ground that the original document was not produced. Hence, this writ petition is filed with the above said prayer.

4. 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, 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."



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5. The learned Special Government Pleader appearing for the respondent 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.

6. 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.

7. Accordingly, this writ petition is allowed, the impugned order is set aside and the respondent is directed to entertain the document 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.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

Psa

To

The Sub Registrar,
Thiruchengode,
Namakkal District.

+1cc to M/s.M.Lokesh, Advocate Sr.No.19839

+1cc to the Government Pleader Sr.No.20596

W.P.No.6833 of 2022

SJ(CO)
RVM(06/04/2022)