

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7828 of 2022

Gowri

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai-4.

2. The Joint Sub-Registrar-II,
Sub-Registrar Office,
Dharmapuri.

3. The Inspector of Police,
Mathikonpallayam Police Station,
Dharmapuri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to register the Sale Deed dated 05.03.2022. The 2nd respondent by his refusal RFL/2 Joint Sub-Registrar Dharmapuri/34/2022 dated 05.03.2022 has refused to register the sale deed and return the same to the petitioner.

For petitioner : M/S.M.Selvam

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of of Mandamus to direct the 2nd respondent to register the Sale Deed dated 05.03.2022. The 2nd respondent by his refusal RFL/2 Joint Sub-Registrar Dharmapuri/34/2022 dated 05.03.2022 has refused to register the sale deed and return the same to the petitioner.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed

by 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 presented the Settlement deed dated 05.03.2022 before the 2nd respondent for registration. However, the said document was refused to be registered by the 2nd respondent on the ground that original parent document was not annexed along with the document which is presented for registration. Challenging the same, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that though the petitioner annexed the certified copy of the parent document, even then the 2nd 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."

5. The learned Special Government Pleader appearing for the respondents submits that the document presented by the petitioner was rejected by the 2nd 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 2nd 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

jd/lpp

To

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai-4.
2. The Joint Sub-Registrar-II,
Sub-Registrar Office,
Dharmapuri.
3. The Inspector of Police,
Mathikonpallayam Police Station,
Dharmapuri.

+1cc to Mr.M.Selvam, Advocate SR.No.22306

+1cc to Government Pleader SR.No.22979

W.P.No.7828 of 2022

RSV(CO)
GMY(22/04/2022)