



WEB COPY



W.P.No.7762 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7762 of 2020

And

W.M.P.No.9131 of 2020

Karunaiyammal

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai – 600 028.

2.The Sub Registrar,
Sub Registrar Office,
Bhavani,
Erode District.

3.Radha Alias Pavalakodi

4.S.Pooviniyal

5.Minor S.Pavananth

Rep. by next friend guardian mother
Radha Alias Pavalakodi

(R3 to R5 impleaded vide order dated
23.06.2021 made in WMP.11177/2020
in WP.7762/2020 by VBDJ)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records on the



W.P.No.7762 of 2020

WEB COPY

file of the second respondent in Refusal No.RFL/Bhavani/7/2020 dated 15.05.2020 and quash the same and consequentially direct the second respondent to register and return document of the petitioner corresponding to Refusal No.RFL/Bhavani/7/2020.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.G.Krishna Raja for R1 and R2
Additional Government Pleader
Mr.S.Bharanidharan for R3 to R5

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records on the file of the second respondent in Refusal No.RFL/Bhavani/7/2020 dated 15.05.2020 and quash the same and consequentially direct the second respondent to register and return document of the petitioner corresponding to Refusal No.RFL/Bhavani/7/2020.

2.The case of the petitioner is that the petitioner presented a document before the second respondent for registration. However, the second respondent issued the impugned refusal check slip refusing to



W.P.No.7762 of 2020

WEB COPY

register the same on the ground of non production of original parent document. Hence, this petition.

3.The learned counsel appearing for the petitioner submitted that for registering a settlement deed, original parent document is not necessary and certified copy of the parent document is sufficient. The learned counsel further submitted that the issue arises in the present case has already been settled by the Madurai Bench of this Court in its decision made in W.P.(MD) No.19745 of 2020 dated 11.02.2021.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that since the petitioner did not produce the original parent document while presenting the settlement deed for registration, the second respondent issued the impugned refusal check slip.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The issue involved in the present writ petition is covered by



W.P.No.7762 of 2020

WEB COPY

the decision of the Madurai Bench of this Court made in W.P.(MD) No.19745 of 2020 dated 11.02.2021, the relevant portion of which reads as follows:

"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 the 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



W.P.No.7762 of 2020

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."

7.The above decision makes it clear that certified copy of the parent document is sufficient to entertain the document for registration. However, perusal of the impugned order reveals that the petitioner has not even annexed the certified copy of the parent document and without doing so, presenting the document for registration is not sustainable.

8.In view of the above, this Court grants liberty to the petitioner to re-present the settlement deed along with certified copy of the parent document. If such document is represented, the second respondent shall entertain the document and pass appropriate orders



W.P.No.7762 of 2020

WEB COPY

without referring to the order impugned in this writ petition and subject to payment of necessary stamp duty and registration charges.

9. With the above observations and liberty, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

26.10.2022

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai – 600 028.

2. The Sub Registrar,
Sub Registrar Office,
Bhavani,
Erode District.



WEB COPY



W.P.No.7762 of 2020

M.DHANDAPANI,J.
pri

W.P.No.7762 of 2020
And
W.M.P.No.9131 of 2020

26.10.2022