

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14571 OF 2022

AND

W.M.P.NO.13769 OF 2022

V.Radhakrishnan

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar,
Villivakkam,
Office of Integrated Sub - Registrar Offices Campus,
Nolambur,
Chennai - 600 037.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent dated 21.04.2022 relating to the Refusal Check Slip No.RFL/Villivakkam/15/2022 and quash the same and consequently direct the first respondent to register the settlement deed dated 21.04.2022 presented by the petitioner to the second respondent on 21.04.2022 for registration relating to petitioner's absolute property bearing Plot No.588, School Road, Anna Nagar Western Extension, Chennai - 600 101 with the certified copy of the sale deed dated 11.05.1992 without insisting the production of original parent document.

For Petitioner : Mr.G.Anandakumar
for M/s.Thamizharasi Law Firm

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent dated 21.04.2022 relating to the Refusal

Check Slip No.RFL/Villivakkam/15/2022 and to quash the same and to consequently direct the first respondent to register the settlement deed dated 21.04.2022 presented by the petitioner to the second respondent on 21.04.2022 for registration relating to petitioner's absolute property bearing Plot No.588, School Road, Anna Nagar Western Extension, Chennai - 600 101, with the certified copy of the sale deed dated 11.05.1992 without insisting the production of original parent document.

2.The case of the petitioner is that the petitioner is the owner of the subject property and he settled the property in favour of his daughter and granddaughter by way of settlement deed on 21.04.2022 and presented the same before the second respondent for registration. However, the second respondent issued the impugned refusal check slip refusing to 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. In the present case, though the petitioner presented the settlement deed along with the certified copy of the parent document, the second respondent issued the impugned refusal check slip, which is not sustainable one. The learned counsel further submitted that the issue arises in the present case has already been settled by the Madurai Bench of this Court and relied upon the decision of the Madurai Bench of this Court made in W.P.(MD) No.19745 of 2020 dated 11.02.2021.

4.The learned Special Government Pleader appearing for the respondents 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 counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

6.The issue involved in the present writ petition is covered by 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 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 will squarely apply to the facts of the present case and it makes it clear that certified copy of the parent document is sufficient to entertain the document for registration. The impugned refusal check slip issued by the second respondent dated 21.04.2022 is hereby set aside. The second respondent is directed to register the settlement deed dated 21.04.2022 presented by the petitioner, without insisting on the production of original parent document, if it is otherwise in order and subject to payment of necessary stamp duty and registration fees.

8.This writ petition is accordingly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar,
Villivakkam,
Office of Integrated Sub - Registrar Offices Campus,
Nolambur,
Chennai - 600 037.

+1cc to M/s.Thamizharasi Law Firm, Advocate, S.R.No.34732

+1cc to the Government Pleader, S.R.No.36199 (23/06/2022)

W.P.No.14571 of 2022

And

W.M.P.No.13769 of 2022

PMK(CO)
RLP(22/06/2022)