

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14980 OF 2022

K.Jagadeswaran

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Tiruppur.
2. The Sub-Registrar,
Registration Department,
Thalavadi, Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned "Refusal Check Slip" No.RFL/Thalavadi/4/2022 dated 18.05.2022 issued by the 2nd respondent herein, quash the same and consequently direct the 2nd respondent herein to register the Settlement Deed dated 18.05.2022 executed by the petitioner herein to and in favour of his daughter K.J.Praneetha within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Impugned "Refusal Check Slip" No.RFL/Thalavadi/4/2022 dated 18.05.2022 issued by the 2nd respondent herein, quash the same and consequently direct the 2nd respondent herein to register the Settlement Deed dated 18.05.2022 executed by the petitioner herein to and in favour of his daughter K.J.Praneetha within a stipulated period.

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 a document on 18.05.2022 for executing Settlement Deed in favour of his daughter K.J.Praneetha, before the second respondent. However, the said document was refused to be registered by the second respondent on the ground that 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 submits that though the petitioner annexed the certified copy of the Sale Deed dated 27.01.2022, 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."

5. The learned Special Government Pleader appearing for the respondents submits that the document presented by the petitioner was rejected by the second 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, the Writ Petition is allowed, the impugned order is set aside and the second 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, if not paid already. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Registration Department,
Tiruppur.
2. The Sub-Registrar,
Registration Department,
Thalavadi, Erode District.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.38419

+1cc to the Government Pleader, S.R.No.39338

W.P.No.14980 of 2022

SR(CO)
RLP(11/07/2022)