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W.P.No.15901 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.15901 of 2022

V.Krishnamurthy

... Petitioner

Vs.

1.The District Registrar,
The District Registrar Office,
Coimbatore District.

2.The Sub-Registrar,
Peelamedu,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Peelamedu/13/2022 dated 08.03.2022 and to quash the same as illegal, incompetent and ultravires and consequently direct the 2nd respondent to register the sale deed dated 24.02.2022 and consequently direct the respondent to register the documents presented by the petitioner for registration without insisting for the production of original parent document in the light of the order made by this Court in K.S.Vijayandran vs. IG of Registration 2011(2) LW 648 within the time that may be stipulated by this Court.

For petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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The petitioner has filed this petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Peelamedu/13/2022 dated 08.03.2022 and to quash the same as illegal, incompetent and ultravires and consequently direct the 2nd respondent to register the sale deed dated 24.02.2022 and consequently direct the respondent to register the documents presented by the petitioner for registration without insisting for the production of original parent document in the light of the order made by this Court in K.S.Vijayandran vs. IG of Registration 2011(2) LW 648 within the time that may be stipulated by this Court.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. With the consent of learned counsel appearing on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petition mentioned property was settled in favour of the petitioner through his mother-in-law in the year



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2007. Thereafter, the petitioner executed a settlement deed with respect to his half share in favour of his son P.K.Chandramohan in Survey No.144/2A3. The petitioner executed another settlement deed dated 24.02.2022 with respect to his remaining half share in favour of his wife Mrs.Pankajam in Survey No.5144/2A3. The petitioner presented the said settlement deed dated 24.02.2022 before the second respondent for registration on 08.03.2022. 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 parent document, even then the second 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:-



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"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 original parent document was not annexed along with the document.



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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 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.
No costs.

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Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
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M.DHANDAPANI,J.



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To

- 1.The District Registrar,
The District Registrar Office,
Coimbatore District.
- 2.The Sub-Registrar,
Peelamedu,
Coimbatore District.

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