

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.16293, 16306 & 16307 of 2022
and
W.M.P.Nos.15634 & 15635 of 2022

1. Ramasamy ... 1st Petitioner in W.P.Nos.16293,
16306 & 16307 of 2022

2. Kamalam ...2nd Petitioner in W.P.Nos.16306 & 16307 of 2022

Vs.

1. The District Registrar,
Registration Department,
Tiruppur. ...1st Respondent in all WP's

2. The Sub-Registrar Nallur,
Registration Department,
Tiruppur. ...2nd Respondent in WP.16293 of 2014

3. The Joint Sub Registrar Nallur,
Registration Department,
Tiruppur. ...2nd Respondent in WP.16306 & 16307 of 2014

3. Gurusamy ... 3rd Respondent in all W.Ps

Prayer in W.P.No.16293 of 2022: 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" in RFL/Nallur_Tiruppur/48/2022 dated 20.05.2022 issued by the second respondent herein, quash the same and consequently direct the second respondent herein to register the Settlement Deed dated 20.05.2022 executed by the petitioners herein to and in favour of their younger son Balraj within a stipulated period.

Prayer in W.P.No.16306 of 2022: 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" in RFL/Nallur_Tiruppur/46/2022 dated 20.05.2022 issued by the second respondent herein, quash

the same and consequently direct the second respondent herein to register the Settlement Deed dated 20.05.2022 executed by the petitioners herein to and in favour of their elder son Sundaram within a stipulated period.

Prayer in W.P.No.16307 of 2022: 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" in RFL/Nallur_Tiruppur/47/2022 dated 20.05.2022 issued by the second respondent herein, quash the same and consequently direct the second respondent herein to register the Settlement Deed dated 20.05.2022 executed by the petitioners herein to and in favour of their younger son Balraj within a stipulated period.

Appearance in all W.Ps

For Petitioners : M/S.K.Govi Ganesan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

Since the issue involved and the relief sought for in all these three Writ Petitions are identical in nature, the same were heard together and disposed of vide this common order.

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. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

4. The case of the petitioners is that the petitioners presented the Settlement deed before the 2nd respondent for registration on 20.05.2022. 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 Petitions have been filed by the petitioners for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioners submitted that though the petitioners 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."

6. The learned Special Government Pleader appearing for the respondents submits that the document presented by the petitioners was rejected by the 2nd respondent on the ground that parent document was not annexed along with the document.

7. 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.

8. Accordingly, these Writ Petitions are allowed, the impugned order is set aside and the 2nd respondent is directed to entertain the document presented by the petitioners and pass appropriate orders within a period of twelve weeks from the date

of receipt of a copy of this order, and the petitioners are directed to pay requisite Stamp Duty and Registration Charges. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Registration Department,
Tiruppur.
2. The Sub-Registrar Nallur,
Registration Department,
Tiruppur.
3. The Joint Sub Registrar Nallur,
Registration Department,
Tiruppur.

+3cc to Mr.K.Govi Ganesan, Advocate, S.R.No.41706, 41705, 41704
+1cc to the Government Pleader, S.R.No.41983

W.P.Nos.16293, 16306 & 16307 of 2022
and
W.M.P.Nos.15634 & 15635 of 2022

GJ(CO)
SB(22/07/2022)