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W.P. No.16934 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.16934 of 2022

and

W.M.P.No.16217 of 2022

R.Hemalatha

... Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai, Tamil Nadu 600 028.

2. The Sub Registrar,
Joint 1-Sub Registrar,
Tirupur 641 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records of the 2nd respondent pertaining to its refusal order number: RFL/1 Sub Registrar/Tirupur/148/2022 dated 3rd June 2022, quash the same as illegal consequently direct the 2nd respondent to register the documents presented by the petitioner for registration without insisting for the production of original parent document in light of the order made by this Court in K.S.Vijayandran Vs IG of Registration 2011 (2) LW 648 and in Sivanandiyan Vs. The Sub Registrar, Pudukottai in W.P.(MD)No.19745 of 2020 and Dharini Vs.IG Registration in W.P.(MD)No.8571 of 2022, within the time that may be



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stipulated by this Court.

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For Petitioner : Mr.K.Krishna

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

The petitioner has filed this petition to issue a Writ of Certiorarified Mandamus to call for records of the 2nd respondent pertaining to its refusal order number: RFL/1 Sub Registrar/Tirupur/148/2022 dated 3rd June 2022, quash the same as illegal and to direct the 2nd respondent to register the documents presented by the petitioner for registration without insisting for the production of original parent document.

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 01.06.2022 for executing Gift Deed in favour of M.R.Athisnithin, before the 2nd respondent. However, the said document was



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refused to be registered by the 2nd respondent on the ground that original document was not produced before him for verification. 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 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



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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 2nd respondent on the ground that original document was not produced before him for verification.

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 original document, certified copy of the parent document is sufficient to entertain the document for registration.



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WEB COPY 7. Accordingly, this writ petitions is allowed, the impugned order is set aside and the 2nd respondent is directed to entertain the document presented by the petitioner, if otherwise in order 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. Consequently, connected miscellaneous petition is also closed. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
Speaking order / Nonspeaking order
nsa

To

1. The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai, Tamil Nadu 600 028.
2. The Sub Registrar,
Joint 1-Sub Registrar,
Tirupur 641 002.



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M.DHANDAPANI, J.

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