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W.P.Nos.16723 and 16726 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 27.09.2022**

CORAM :

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

**W.P.Nos.16723 and 16726 of 2021**

A.P.Arun

... Petitioners in both W.P.s

Vs.

The Sub-Registrar,  
The Office of Sub Registrar,  
Sathyamangalam – 638 401,  
Erode District.

... Respondents in both W.P.s

**Common Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire record pertaining to the impugned Refusal Check Slips in (i) Refusal No.RFL/Sathyamangalam/22/2021 (ii) Refusal No.RFL/Sathyamangalam/23/2021 dated 23.07.2021, passed by the respondent and to quash the same as illegal, incompetent and ultra-vires and consequently direct the respondent to register the (i) Release Deed (ii) Sale Deed presented by the petitioner for registration without insisting for the production of original parent document within the time stipulated by this Court.

For Petitioner in both W.P.s : Mr.R.Jayaprakash

For Respondent in both W.P.s : Mr.C.Kathiravan  
Special Government Pleader



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**COMMON ORDER**

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These writ petitions have been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the impugned Refusal Check Slips in (i) Refusal No.RFL/Sathyamangalam/22/2021 (ii) Refusal No.RFL/Sathyamangalam/23/2021 dated 23.07.2021, passed by the respondent and consequently to direct the respondent to register the (i) Release Deed (ii) Sale Deed presented by the petitioner for registration without insisting for the production of original parent document within the time stipulated by this Court.

2. The case of the petitioner is that when the petitioner presented the release deed dated 23.07.2021 and sale deed dated 23.07.2021 before the respondent for registration, the same was refused to be registered vide impugned Refusal Check Slip dated 23.07.2021 on the ground that the parent document was not annexed along with the above said documents. Challenging the same, the present Writ Petition has been filed seeking the aforesaid releif.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that though the petitioner annexed the certified copy of



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the parent document, 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*



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*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."*

4. Learned Special Government Pleader appearing for the respondent submits that the document presented by the petitioner was rejected by the respondent on the ground that parent document was not annexed along with the document.

5. 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.

6. Accordingly, these writ petitions are allowed, the impugned orders dated 23.07.2021 is set aside and the respondent is directed to entertain the documents presented by the petitioner and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of



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this order and the petitioner is directed to pay requisite Stamp Duty and

Registration Charges. No costs.

**27.09.2022**

Index : Yes / No

Speaking order / Non speaking order : Yes / No

RAP

To

The Sub-Registrar,  
The Office of Sub Registrar,  
Sathyamangalam – 638 401,  
Erode District.



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**M.DHANDAPANI, J.**

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