



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29075 of 2014
M.P.1 of 2014

K.Duraisamy Chettiyar

...Petitioner

Vs.

The Sub-Registrar,
Office of SRO,
Pammal, Chennai,
Kancheepuram District.

...Respondent

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 impugned order passed by the respondent in Check Slip No.5/2014 dated 19.09.2014, thereby refusing to register the document and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the Settlement Deed dated 19.09.2014 presented by petitioner.

For petitioner : Mr.V.Selvaraj

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 the records pertaining to impugned order passed by the respondent in Check Slip No.5/2014 dated 19.09.2014, thereby refusing to register the document and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the Settlement Deed dated 19.09.2014 presented by petitioner.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondent. 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 19.09.2014, for executing Settlement Deed in favour of his wife, before the respondent. However, the said document was refused to be registered by the 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 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 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.

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 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

tri/jd

To

The Sub-Registrar,
Office of SRO,
Pammal, Chennai,
Kancheepuram District.

+lcc to Mr.R.Veeramani, Advocate SR. No.22600
+lcc to Government Pleader SR. No.23660

W.P.No.29075 of 2014
M.P.No.1 of 2014

PMK (CO)
PR (13/04/2022)