



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.04.2022
CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.22246 of 2021
and
W.M.P.No.23457 of 2021

P.Kittusamy

...Petitioner

vs.

1. The District Registrar,
Registration Department,
Tiruppur.
2. The Sub-Registrar Cum Registering Officer,
Uthukuli Taluk,
Tiruppur District.
3. P.Manian

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent made in Refusal Check Slip Proceedings Refusal No.RFL/Uthukuli/4/2021 dated 24.09.2021 and quash the same and consequently directing the 2nd respondent to register the settlement deed dated 24.09.2021 without insisting the production of original parent documents.

For Petitioner : Mr.N.Umapathi
For Respondents R1 & R2: Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent made in Refusal Check Slip Proceedings Refusal No.RFL/Uthukuli/4/2021 dated 24.09.2021 and quash the same and consequently direct the 2nd respondent to register the settlement deed dated 24.09.2021 without insisting the production of original parent documents.

2. The case of the petitioner is that, he presented a document on 24.09.2021 for executing Settlement Deed in favour



of his wife, before the 2nd respondent. However, the 2nd respondent, vide proceedings dated 24.09.2021, in Refusal No.RFL/Uthukuli/4/2021, refused to register the said document on the ground that the original 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.

3. Learned counsel for the petitioner submits that though the petitioner has presented the document for registering by annexing the copy of the parent document, the 2nd respondent has refused to register the document, which is not sustainable. He further submitted that the issue involved in the present case, is no more res-integra and 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."

4. The learned Special Government Pleader appearing for the 1st and 2nd respondents submits that the document presented by



the petitioner was rejected by the 2nd respondent on the ground that original 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, copy of the parent document is sufficient to entertain the document for registration.

6. Accordingly, this writ petition is allowed and the impugned order dated 24.09.2021 passed by the 2nd respondent, in Refusal No.RFL/ Uthukuli/ 4/ 2021, is set aside and the 2nd respondent is directed to entertain the document presented by the petitioner without insisting upon the original parent document 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

skt

To:

1. The District Registrar,
Registration Department,
Tiruppur.
2. The Sub-Registrar Cum Registering Officer,
Uthukuli Taluk,
Tiruppur District.

+1 CC to The Government Pleader sr 22985
+1 CC to Mr.N.Umapathi, Advocate sr 22073

W.P.No.22246 of 2021
and
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SRII (CO)
SP(25/04/2022)