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W.P.No.25806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25806 of 2022

V.Sekar

... Petitioner

Vs.

The Sub Registrar,
The Sub Registrar's Office,
Avaraipakkam,
Tindivanam Taluk,
Villupuram District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records and order in Refusal Check Slip dated 11.08.2022 in Refusal Number RFL/Avarapakkam/8/2022 on the file of the respondent and quash the same as illegal and directing the respondent to register the Settlement Deed dated 11.08.2022 executed by the petitioner without insisting him to produce the original Sale Deed dated 03.11.2014 and accept the certified copy of the same, if it is otherwise in order.

For Petitioner	:	Mr.J.Antony Jesus
For Respondent	:	Mr.E.Vijay Anand
		Additional Government Pleader



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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records and order in Refusal Check Slip dated 11.08.2022 in Refusal Number RFL/Avarapakkam/8/2022 on the file of the respondent and quash the same as illegal and directing the respondent to register the Settlement Deed dated 11.08.2022 executed by the petitioner without insisting him to produce the original Sale Deed dated 03.11.2014 and accept the certified copy of the same, if it is otherwise in order..

2. Mr.E.Vijay Anand, learned Additional 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 had executed a Settlement Deed, dated 11.08.2022 in favour of his daughter, and the same was presented before the respondent for registration. However, the said document was refused to be registered by the respondent on the ground that



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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.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted 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



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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 Additional Government Pleader appearing for the respondent submitted 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.



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

7. Accordingly, the 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.

26.09.2022

Index : Yes / No
Speaking order: Yes/ No
jd

To

The Sub Registrar,
The Sub Registrar's Office,
Avaraipakkam,
Tindivanam Taluk,
Villupuram District.



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M.DHANDAPANI, J.

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