



W.P.No.25884 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25884 of 2022

Murugesan

...Petitioner

VS.

1. The District Registrar,
Registration Department, Tiruppur.

2. The sub-Registrar, Palladam,
Registration Department, Tiruppur ...Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records pertaining to the Refusal Check Slip in RFL/Palladam/69/2022 dated 13.09.2022 issued by the second Respondent herein quash the same and consequently direct the second respondent to register the sale deed dated 12.09.2022 executed by the petitioner along with other legal heirs to and in favour of one Mandrasalam, s/o Sellamuthu within a stipulated period and pass orders.

For Petitioner : Mr.K. Govi Ganesan

For Respondent : Mr.E.Vijay Anand
Additional Government Pleader



W.P.No.25884 of 2022

ORDER

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This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for records pertaining to the Refusal Check Slip in Refusal Number: RFL/Palladam/69/2022 dated 13.09.2022 issued by the second Respondent and to quash the same as illegal and incompetent and consequently direct the respondent to register the settlement deed dated 12.09.2022 executed by the petitioner without insisting on production of the original parent document in respect of the subject property.

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 executed a sale deed in favour of the one madrasalam inrespect of the subject property and the same was presented before the second respondent for registration, but the second respondent refused to register the said documents on 13.09.2022



W.P.No.25884 of 2022

stating that the original parent document was not annexed. Challenging the said Refusal Check Slip, the present Writ Petition has been filed.

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



W.P.No.25884 of 2022

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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***,



W.P.No.25884 of 2022

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 dated 13.09.2022 is set aside and the second respondent is directed to entertain the documents presented by the petitioner without insisting 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.

27.09.2022

smn

Index : Yes/No

Speaking order : Yes/No

To

1. The District Registrar,
Registration Department, Tiruppur.
2. The Sub-Registrar, Palladam,
Registration Department, Tiruppur



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W.P.No.25884 of 2022

M.DHANDAPANI, J.

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W.P.No.25884 of 2022

27.09.2022