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W.P.No.27212 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27212 of 2022
and W.M.P.No.26413 of 2022

P.Thangarathinam

.. Petitioner

Versus

1.The Inspector General of Registration
No.100,Santhome High Road
Foreshore Estate
Pattinapakkam, Chennai - 28

2.The Sub-Registrar
Paramathi
Namakkal District
Respondents

..

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ, order or direction in the nature of Writ of Certiorarified Mandamus calling for records pertaining to the impugned “Refusal Check Slip” issued by the second respondent vide Refusal No.RFL/Paramathi/69/2022 dated 18.08.2022 and quash the same and consequently direct the 2nd respondent herein to register the settlement deed presented by the petitioner dated 18.08.2022 without insisting for the production of the original parent document.

For Petitioner : Mr.N.Umapathy
For Respondents : Mr.G.Krishnaraja
Additional Government Pleader

ORDER



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The present petition has been filed challenging the impugned Refusal Check Slip in No.RFL/Paramathi/69/2022 dated 18.08.2022 passed by the second respondent, quash the same and consequently direct the second respondent to register the settlement deed without insisting for the production of the original parent document.

2. The case of the petitioner is that her husband namely K.Pannerselvam died on 20.04.2015 leaving behind the estates to his legal heir, namely the petitioner, his son namely P.Vinoth Kumar (died) and her daughter Dr.Sankari. Further, the petitioner intended to release her $\frac{1}{4}$ shares of her son's property and $\frac{1}{8}$ shares of her husband property by executing the settlement deed in favour of her daughter namely Dr.Sankari. When the same was presented for registration, the second respondent had refused to entertain on the ground that original parent documents were not presented while registration by passing the impugned order. Hence, this petition.

3. The learned counsel for the petitioner submits that the impugned refusal check slip is non est in law and the second respondent is bound to register the said deed, considering that it does not come within the list of documents which can be refused to be regitered, as listed under Section 22A of



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the Registration Act.

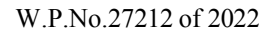
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4. The learned Additional Government Pleader appearing for the respondents submits that the document presented by the petitioner was rejected by the respondent on the ground that original parent document was not annexed along with the document.

5. Heard both sides and perused the materials placed on record. The facts of the present case are not in dispute. Admittedly, the petitioner is in possession of the disputed properties. The presented settlement deed before the second respondent was returned on the ground that there is no parent document attached while registering the settlement deed. The issue involved in the present case, is no more res-integra. The petitioner 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



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 along with a certified copy of the parent document and pass



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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.

12.10.2022

dhk
Index:Yes/No
Internet:Yes

To

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2.The Sub-Registrar
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M.DHANDAPANI, J.

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