



W.P.No.26362 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26362 of 2022

A. Riyajudeen

...Petitioner

VS.

The Sub-Registrar,Dharapuram,
Tiruppur District

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus directing the respondent to receive the Sale Deed
Dated 09.09.2022 and register the same and pass orders.

For Petitioner : Mr.C. Prakash

For Respondent : Mr.C. Kathiravan
Special Government Pleader



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ORDER

This writ petition has been filed seeking for issuance of a Writ of Writ of Mandamus directing the respondent to receive the Sale Deed Dated 09.09.2022 and register the same.

2. MrC. Kathiravan, 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 executed a sale deed in favour of the one Syed Riyaz., in respect of the subject property and the same was presented before the respondent for registration, but the respondent refused to register the said documents on 09.09.2022 stating that the original parent document was not annexed. Challenging the same, the present Writ Petition has been filed.



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4.The issue involved in the present case, is no more res-integra. In this regard it would be relevant to refer to the decision rendered by this Court 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



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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.**



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7. Accordingly, this writ petition is allowed on production of the copy of the parent document and the second respondent is directed to entertain the documents 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.

10.10.2022

smn

Index : Yes/No

Speaking order : Yes/No

To

The Sub-Registrar, Dharapuram,
Tiruppur District



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M.DHANDAPANI, J.

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