



W.P.No.26697 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26697 of 2022

K.Ramasamy

... Petitioner

vs.

1. The District Registrar,
Coimbatore,
Coimbatore District.

2. The Sub-Registrar,
Sulur,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus directing to call for the records of order dated 07.09.2022 bearing refusal number:RFL/Sulur/17/2022 on the file of second respondent and quash the same and consequently direct the second respondent to register and release the settlement time as fixed by this Hon'ble Court.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader



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ORDER

WEB COPY This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the order dated 07.09.2022 bearing refusal number:RFL/Sulur/17/2022 on the file of second respondent and and consequently direct the second respondent to register and release the settlement time as fixed by this Court.

2. It is the case of the petitioner that he purchased the properties in S.No.466/3 sub-divided as S.No.466/3F of an extent of 2.47 acres situated in Appanaickenpatti Village, Sulur, Coimbatore District vide registered sale deed dated 30.09.1985. Thereafter, the petitioner settled the subject property in favour of his son namely Paramasivam *vide* Settlement Deed dated 07.09.2022. When the petitioner presented the said document before the second respondent, the same was refused to be registered vide impugned refusal check slip dated 07.09.2022 citing the fact that the petitioner has not produced the original Sale Deed. Challenging the same, the present Writ Petition has been filed.



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3. 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 second 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 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 Additional Government Pleader appearing for the respondents submitted that the document presented by the petitioner was rejected by the second respondent on the ground that 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, certified copy of the parent document is sufficient to entertain the document for registration.



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6. Accordingly, this writ petition is allowed, the impugned order dated 07.09.2022 is set aside 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

RAP

Index : Yes/No
Speaking order : Yes/No

To:

1. The District Registrar,
Coimbatore,
Coimbatore District.
2. The Sub-Registrar,
Sulur,
Coimbatore District.



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M.DHANDAPANI, J.

RAP

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