



W.P.No.28522 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.28522 of 2022

K.Rajendra Kumar

. . . Petitioner

Vs.

The Sub Registrar,
Sembium Sub Registrar Office,
Perambur, Chennai-11

. . . Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Certiorarified Mandamus or any other order or direection inn the form of Writ and Quash the refusal letter No.RFL/Sembium/18/2022 dated 6th October 2022 issued by the respondent and direct, the Sub Registrar, office of the Sub Registrar of Sembium, Perambur, Chennai-11 to entertain the petitioner's application to register the Settlement Deed executed by the petitioner to his wife S.Rukmani residing at No.106-B, S.V.Puram, Pattinapakam, Chennai-28.



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For Petitioners : M/s.R.Subramanian

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader

ORDER

The present petition has been filed seeking to quash the impugned refusal letter dated 6.10.2022 of the respondent and direct the respondent to entertain the petitioner's application to register the settlement deed which was executed by the petitioner to his wife.

2. It is the case of the petitioner that originally the property situated at No.25/9, Sivalingam Street, Vetri Nagar, T.V.K. Nagar, Chennai-82 was owned the petitioner's deceased mother namely Manohari ammal. After the demise of his mother, the said property devolved upon the petitioner and he is absolute possession and enjoyment of the same since the date of the death of his mother. In order to settle the above said property in favour of his wife, the petitioner had executed a Settlement deed dated 28.09.2022 in favour of wife and placed the same for registration before the respondent herein, however, the respondent had refused to register the same vide the impugned refusal



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check slip, on the ground that the original document was not presented for verification and the petitioner was asked to produce the Non-Traceable certificate. However, the petitioner had lost the original parent documents of the above said property, for which, the petitioner made a complaint to the law enforcing agency, Mylapore which resulted in filing of CSR, however, the paper publication was also issued in vernacular newspapers. Having left with no other remedy, the petitioner has come up with the present petition seeking to quash the impugned refusal check slip issued by the respondent herein.

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 respondent refused to register the document which is not sustainable and in support of his plea, learned counsel placed his reliance upon the decision of this Court in W.P.No.1637 of 2020 dated 23.11.2020, in which, certain directions were given and the petitioner herein may also be granted the same relief in the light of the above decision. Accordingly, he prays for allowing this Writ Petition.

4. The learned Additional Government Pleader appearing for the



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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.

5. The issue involved in the present case is no longer *res integra*.

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



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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."

6. In view of the ratio laid down by this Court above, this writ petition is allowed, the impugned order dated 06.10.2022 is set aside and the 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 if it is otherwise in order and the petitioner is directed to pay the requisite Stamp Duty and Registration Charges. No costs.

28.10.2022

NHS

Index : Yes / No

Internet : Yes / No

M.DHANDAPANI, J.

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The Sub Registrar,
Sembium Sub Registrar Office,
Perambur, Chennai-11

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