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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.28056 OF 2021

T.Pachakutti

... Petitioner

.Vs.

1. The Sub Registrar,
Keelapalur Sub Registrar Office,
Keelapalur, Ariyalur District.

2. P.Kumar

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to calling for the records relating to the impugned refusal check slip issued by 1st respondent in RFL/Keelapalur/246/2021 dated 25.10.2021 and quash the same as illegal and consequently direct the 1st respondent to register the document presented by the petitioner for registration without insisting for the production of original parent document.

For Petitioner : Mr.R.Kuyilan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
For R1

ORDER

The petitioner has filed this petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 1st respondent dated 25.10.2021 in reference RFL/Keelapalur/246/2021 and quash the same and direct the 1st respondent to register the documents presented by the petitioner without insisting for the production of original parent document.



2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the 1st 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 presented the documents for registration on 23.10.2021 to execute the Sale Deed in favour of one Manivel i.e., brother of the petitioner, before the 1st respondent. However, the said document was refused to be registered by the 1st respondent vide order dated 25.10.2021 on the ground that parent document was not annexed along with the documents which were presented for registration. Challenging the same, the present Writ Petition has been filed by the petitioner for the above relief.

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, the 1st 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



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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 1st respondent submits that the documents presented by the petitioner was rejected by the 1st respondent on the ground that Original parent document was not annexed along with the documents.

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 Original 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 25.10.2021 is set aside and the 1st 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.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rap/jd

To

The Sub Registrar,
Keelapalur Sub Registrar Office,
Keelapalur,
Ariyalur District.

+1cc to Mr.R.Kuyilan, Advocate, S.R.No.21638
+1cc to the Government Pleader, S.R.No.22257

W.P.NO.28056 OF 2021

BP(CO)
PBS/20/04/2022