



W.P.No.32359 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32359 of 2022

And

W.M.P.No.31749 of 2022

Kamalam

... Petitioner

Vs.

The Sub Registrar,
Palladam Sub – Registrar Office,
Tiruppur District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in refusal Check Slip dated 27.08.2022 in RFL/Palladam/66/2022 quash the same and consequently direct the respondent to register sale deed dated 27.08.2022 by verifying the Certified copy of the parent document bearing No. 1579 of 1987, and Encumbrance Certificates, without insisting for Original Parent Deed.



W.P.No.32359 of 2022

For Petitioner : Mr.R.Prabakar
For Respondent : Mr.E.Vijay Anand
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in refusal check slip dated 27.08.2022 in RFL/Palladam/66/2022, quash the same and consequently direct the respondent to register the sale deed dated 27.08.2022 by verifying the certified copy of the parent document bearing No.1579 of 1987 and encumbrance certificate, without insisting for original parent deed.

2.The case of the petitioner is that the petitioner purchased a property vide sale deed dated 09.11.1987 bearing Document No.1579 of 1987 and during the year 2018, the petitioner executed a Will in favour of her sister's son Elangovan vide Document No.19/2018 dated 01.02.2018 and thereafter since her sister and her son Elangovan did not take care of the petitioner, the petitioner cancelled the Will vide Document No.261/2022 dated 27.08.2022. Thereafter, the petitioner made arrangement to prepare the sale and presented the same before the respondent for registration. However, the respondent issued the



W.P.No.32359 of 2022

impugned refusal check slip refusing to register the same on the ground of non production of original parent document. Hence, this petition.

3.The learned counsel appearing for the petitioner submitted that for registering a document, original parent document is not necessary and certified copy of the parent document is sufficient. In the present case, though the petitioner presented the sale deed along with the certified copy of the parent document, the respondent issued the impugned refusal check slip, which is not sustainable one. The learned counsel further submitted that the issue arises in the present case has already been settled by the Madurai Bench of this Court and relied upon the decision of the Madurai Bench of this Court made in W.P.(MD) No.19745 of 2020 dated 11.02.2021.

4.The learned Additional Government Pleader appearing for the respondent submitted that since the petitioner did not produce the original parent document while presenting the sale deed for registration, the respondent issued the impugned refusal check slip.

5.Heard the counsel appearing for the petitioner and the learned



W.P.No.32359 of 2022

Additional Government Pleader appearing for the respondent and perused the materials placed on record.

6.The issue involved in the present writ petition is covered by the decision of the Madurai Bench of this Court made in W.P.(MD) No.19745 of 2020 dated 11.02.2021, the relevant portion of which reads as follows:

"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 the Act, in the absence of any specific provisions and in that view of the



W.P.No.32359 of 2022

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."

7.The above decision will squarely apply to the facts of the present case and it makes it clear that certified copy of the parent document is sufficient to entertain the document for registration. The impugned refusal check slip issued by the respondent dated 27.08.2022 is hereby set aside. The respondent is directed to entertain the sale deed presented by the petitioner, without insisting on the production of original parent document, if it is otherwise in order and subject to payment of necessary stamp duty and registration fees.



WEB COPY



W.P.No.32359 of 2022

M.DHANDAPANI,J.
pri

8.This writ petition is accordingly allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

02.12.2022

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

The Sub Registrar,
Palladam Sub – Registrar Office,
Tiruppur District.

W.P.No.32359 of 2022
And
W.M.P.No.31749 of 2022

02.12.2022

6/6