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W.P.No.32216 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32216 of 2022

N.Nalla Gounder

...Petitioner

Vs.

The Joint Sub Registrar-I,
District Registrar Office,
Gobichettipalayam,
Erode District.

...Respondent

Writ 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 Refusal Check Slip in RFL/Joint Sub Registrar-I, GobiChettipalayam/82/2022 dated 07.10.2022 passed by the respondent, quash the same and consequently direct the respondent to register the Settlement Deed dated 07.10.2022 executed by the petitioner in favour of his son in respect of the property measuring 1.20 acres comprised in old S.F.No.151-1B, new R.S.No.47/2 Kadukkampalayam Village, Gobichetti Palayam Taluk, Erode District.

For Petitioner : Mr.N.Manokaran



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For Respondents : Mr.E.Sundaram, GA.

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in respect of the Refusal Check Slip bearing No.RFL/Joint Sub Registrar-I, GobiChettipalayam/82/2022 dated 07.10.2022, quash the same and to consequently direct the respondent to register the Settlement Deed dated 07.10.2022 presented by the petitioner, without insisting upon the production of the original parent document.

2. The case of the petitioner is that he has purchased the property comprised in Old S.F.No.151-1B, New R.S.No.47/2, Kadukkampalayam Village, Erode District from one Parameswaran, vide registered Sale deed dated 18.02.1999 bearing Doc.No.267/1999 for a valid sale consideration and pursuant to the said purchase, the petitioner is in absolute possession and enjoyment of the said property and has also obtained patta in his favour. While so, in order to settle the above said property in favour of his son namely, Sivakumar, the petitioner executed a settlement deed dated 07.10.2022 and presented the same before the respondent for registration



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along with the certified copy of the above said sale deed, however, the same was rejected by the respondent, vide present impugned Refusal Check Slip bearing No.RFL/Joint Sub Registrar-I, GobiChettipalayam/82/2022 dated 07.10.2022, on the ground that the original parent document was not annexed along with the document which was presented for registration. Challenging the same, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submitted that, though the petitioner had annexed the certified copy of the parent document, as the petitioner has misplaced the original sale deed dated 18.02.1999, however, the respondent has refused to register the above said settlement deed presented by the petitioner, which is not sustainable. Further, the issue involved in the present case, is no more *res-integra* and in order to substantiate his contention, 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



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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. Learned Government Advocate appearing for the respondent submitted that the settlement deed dated 07.10.2022 presented by the petitioner was rejected by the respondent on the ground that, the original parent document was not annexed along with the document.

5. Heard learned counsel on either side and perused the materials available on record.



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

7. Accordingly, the present Writ petition is allowed by setting aside the impugned refusal check slip dated 07.10.2022 and the respondent is directed to entertain the document presented by the petitioner and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, upon receipt of the requisite Stamp Duty and Registration Charges and without insisting upon the original parent document. No costs.

01.12.2022

skt

Speaking Order : Yes / No
Index : Yes / No



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To

The Joint Sub Registrar-I,
District Registrar Office,
Gobichettipalayam,
Erode District.

M.DHANDAPANI, J.

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