



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.2369 of 2021

WEB COPY

Subaitha Beevi

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The Sub Registrar,
Chokkikulam,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned check slip in Ref.No.RFL/Chokkikulam/2/2021 dated 12.01.2021 issued by the second respondent and quash the same as illegal and unconstitutional and consequently direct the second respondent to register the sale deed dated 11.01.2021 presented by the petitioner for registration and release the same to the petitioner within the time stipulated by this Court.

For Petitioner	:	Mr.B.Arun
For Respondents	:	Mr.J.John Rajadurai Government Advocate.

ORDER

This Writ Petition has been filed challenging the refusal check slip dated 12.01.2021 issued by the second respondent refusing registration of the sale deed executed by the petitioner in favour of her purchaser one Rajesh, on the ground that the petitioner has not produced the original parent document. The parent document is a registered sale deed dated 08.05.1967 registered as Document No.2785/1967. The petitioner has produced the certified copies of the said parent document at the time of registration to the second respondent. But under the impugned refusal check slip, the second respondent has refused registration on the ground that the petitioner has not produced the original parent document dated 08.05.1967.

2. Heard Mr.B.Arun, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents.



3. Admittedly, the sale deed dated 08.05.1967 registered as Document No.2785/1967 is a public document. Being a public document, that too registered with the very same Sub-Registrar's office, this Court is of the considered view that refusal to take cognizance of the said public document by the second respondent is erroneous. The second respondent has mechanically refused to register the sale deed presented by the petitioner for registration without applying his mind to the fact that the petitioner has produced the certified copy of the sale deed dated 08.05.1967, which is the parent title deed and is a public document.

4. The issue involved in this Writ Petition has been considered by another learned Single Judge of this Court in the case of ***Sivanadiyan Vs. The Sub Registrar, Pudukottai***, reported in **2021 (2) CTC 526**. In similar circumstances, this Court held that production of original title deeds is not mandatory and the registering authority is not empowered to insist for production of original documents (parent documents) in the absence of a specific provision under the Registration Act. The learned Single Judge has held that the circular issued by the Inspector General of Registration, Chennai, cannot have legal sanctity unless the power of issuance of such a circular is authorised under the provisions of the Act.

5. In the case on hand also, the Registration Act does not empower the registering authority to refuse registration just because the petitioner has not produced the original title deed (parent document), though she has produced the certified copy of the same. This Court is in agreement with the view taken by the learned Single Judge in the aforementioned decision.

6. Therefore, this Court is of the considered view that by total non-application of mind, the impugned refusal check slip has been issued by the second respondent and accordingly, the impugned refusal check slip dated 12.01.2021 issued by the second respondent is quashed. The second respondent is directed to admit the sale deed dated 02.12.2020 presented by the petitioner for registration and register the said document, if it is otherwise in order, within a period of two (2) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs.

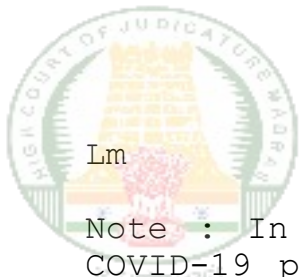
Sd/-

Assistant Registrar

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The Sub Registrar,
Chokkikulam,
Madurai.

+1 CC to MR.S.THANGARAJ, Advocate (SR-13101[F] dated 18/03/2022)

W.P. (MD) .No.2369 of 2021
18.03.2022

MK/28.03.2022/3P/4C