



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P (MD) .No.2895 of 2022

S.Syed Mohamed Buhari

... Petitioner

Vs.

1.The Sub-Registrar,
Melapalayam,
Palayamkottai Taluk,
Tirunelveli District.

2.Thasima Beevi

3.Anis Banu

4.Barakath Saliha

5.Supriya Banu

6.Rukshana

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned refusal check slip in RFL/Melapalayam/69/2021 dated 23.12.2021 and quash the same and consequently direct the 1st respondent to register the Release Deed dated 22.12.2021, executed by the respondents 2 to 6 in favour of the petitioner without insisting the original document within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

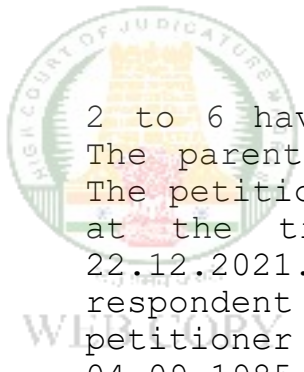
For Respondents : Mr.S.Shanmugavel for R1
Additional Government Pleader

Mr.S.Packyamuthu for R2 to R6

ORDER

This writ petition has been filed challenging the refusal check slip dated 23.10.2021, issued by the first respondent refusing registration of the release deed executed by the respondents 2 to 6 in favour of the petitioner on the ground that the petitioner has not produced the original parent document.

2.The petitioner is the brother and the 2nd respondent is his mother and the respondents 3 to 6 are his sisters. The respondents



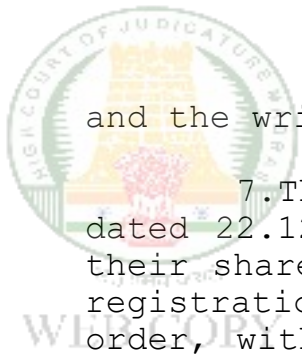
2 to 6 have executed a release deed in favour of the petitioner. The parent document is a registered sale deed, dated 04.09.1985. The petitioner has produced the certified copy of the said sale deed at the time of the registration of the release deed dated 22.12.2021. But under the impugned refusal check slip, the first respondent has refused registration on the ground that the petitioner has not produced the original of the sale deed dated 04.09.1985, which is the parent title deed.

3. Heard Mr.H.Arumugam, learned counsel appearing for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and Mr.S.Packyamuthu, learned Standing Counsel, who accepts notice on behalf of the second respondent.

4. Admittedly, the sale deed dated 04.09.1985, executed by Kalipa Syed Ahamed and others in favour of Shahul Hameed (petitioner's father), is a registered document and therefore, it is a public document. The first respondent has refused registration of the release deed dated 22.12.2021, executed by the petitioner's mother and his sisters in favour of the petitioner, only on the ground that the petitioner has not produced the original of the aforementioned sale deed, dated 04.09.1985, which is the parent document. Being a public document that too registered with the very same registration department, this Court is of the considered view that the refusal to take cognizance of the said public document by the first respondent is erroneous and mechanically the first respondent has refused registration.

5. This issue has also been considered by another learned Single Judge of this Court in the case of ***Sivanadiyan Vs. Sub Registrar, Pudukottai District***, 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 production of original document in the absence of specific provision under the Registration Act. The learned single Judge has also held that circular issued by the Inspector General of Registration, Chennai, cannot have sanctity unless authorized by provisions of the Registration Act. In the case on hand also, the Registration Act does not empower the first respondent to refuse registration just because the petitioner has not produced the original title deed, though he 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 and in a mechanical fashion, the impugned refusal check slip dated 23.12.2021, has been issued by the first respondent and accordingly, the impugned refusal check slip dated 23.12.2021 issued by the first respondent is hereby quashed



and the writ petition is allowed.

7. The first respondent is directed to admit the release deed dated 22.12.2021, under which the respondents 2 to 6 have released their shares over the said property in favour of the petitioner for registration and register the said document, if it is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (Accounts)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 Sub-Registrar,
Melapalayam,
Palayamkottai Taluk,
Tirunelveli District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-6267[F] dated 15/02/2022)

+1 CC to M/s.SPL GP (SR-6456[F] dated 16/02/2022)

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AP(26.02.2022) 3P 4C