



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3517 of 2022

and

W.M.P. [MD]Nos.3074 and 3077 of 2022

WEB COPY

Gopal Gounder

... Petitioner

Vs.

The Sub Registrar (Registration),
Viralimalai Taluk,
Pudukottai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal slip in R.F.L/Viramalai/5/2022 dated 02.02.2022 and quash the same as illegal and consequently direct the respondent to register the documents presented by the petitioner for registration without insisting for the production of original parent document in light of the order made by this Court in ***Sivanadiyan Vs. The Sub Registrar, Pudukottai, 2021 (2) CTC 526*** within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondent : Mr.J.John Rajadurai
Government Advocate

O R D E R

This writ petition has been filed challenging the refusal check slip dated 02.02.2022 issued by the respondent refusing registration of the sale deed executed by the petitioner in favour of his purchaser one Selvam, on the ground that the petitioner has not produced the original parent documents. The parent document is a registered sale deed dated 18.03.2009 registered as Document No.727 of 2009. The petitioner has produced the certified copy of the said parent document at the time of registration to the respondent. But under the impugned refusal check slip, the respondent has refused registration on the ground that the petitioner has not produced the original parent document dated 18.03.2009.

2.Heard Mr.M.Mahaboob Athiff, learned Counsel for the writ petitioner and Mr.J.John Rajadurai, learned Government Advocate who accepts notice on behalf of the respondent.

3.Admittedly, the sale deed dated 18.03.2009 which is a parent title deed is a registered document and therefore, it 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 respondent is erroneous. The 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 a certified copy of the sale deed dated 18.03.2009 which is a 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 specific provision under the Registration Act. Learned Single Judge has held that circular issued by the Inspector General of Registration, Chennai, cannot have legal sanctity unless the power of issuance of such circular is authorised under the provisions of the Act.

5.In the case on hand also, the Registration Act does not empower to refuse registration just because the petitioner has not produced the original title deed [parent document], 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 ratio.

6.Therefore, this Court is of the considered view that by total non-application of mind the impugned check slip has been issued by the respondent and accordingly, the impugned check slip dated 02.02.2022 issued by the respondent is quashed. The respondent is directed to admit the sale deed dated 02.02.2022 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, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

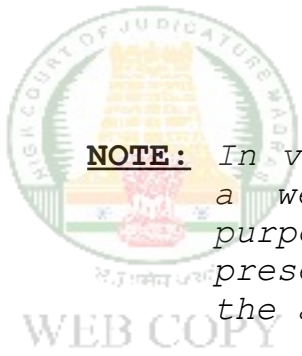
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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

The Sub Registrar (Registration),
Viralimalai Taluk,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-8773[F] dated 25/02/2022)

+1 CC to M/s.MAHABOOB ATHIFF.M, Advocate (SR-9031[F] dated 28/02/2022)

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