



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3542 of 2022

and

W.M.P.[MD]No.3094 of 2022

WEB COPY

1.S.Sankari
2.S.Kumarasamy

... Petitioners

Vs.

The Sub-Registrar,
(In the Capacity of District Registrar),
Villivakkam Sub-Registration Office,
Combined Registration Office,
Nolambur Phase - II,
2nd Main Road,
Chennai.

... 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 check slip in Letter No.33/2022 dated 25.01.2022 issued by the respondent and quash the same and consequently direct the respondent to register the General Power of Attorney Deed dated 25.01.2022 executed by the second petitioner in favour of the first petitioner without insisting the original document within the time fixed by this Court.

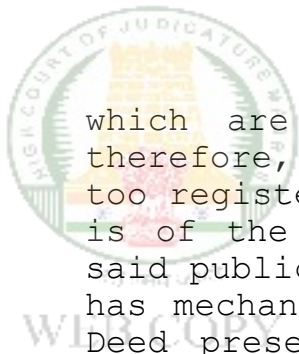
For Petitioner : Mr.H.Arumugam
For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the refusal check slip dated 25.01.2022 issued by the respondent refusing registration of the General Power of Attorney Deed executed by the second petitioner in favour of the petitioner, on the ground that the second petitioner has not produced the original parent documents. The parent documents are registered sale deeds dated 25.10.1975 and 10.11.1975. The second 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 second petitioner has not produced the original parent documents dated 25.10.1975 and 10.11.1975.

2.Heard Mr.H.Arumugam, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondent.

3. Admittedly, the sale deeds dated 25.10.1975 and 10.11.1975



which are the parent title deeds are registered documents and therefore, they are public documents. 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 documents by the respondent is erroneous. The respondent has mechanically refused to register the General Power of Attorney Deed presented by the second petitioner for registration without applying his mind to the fact that the second petitioner has produced a certified copy of the sale deeds dated 25.10.1975 and 10.11.1975 which are parent title deeds and are public documents.

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 second petitioner has not produced the original title deeds [parent documents], though he has produced the certified copies 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 25.01.2022 issued by the respondent is quashed. The respondent is directed to admit the General Power of Attorney Deed dated 25.01.2022 presented by the first 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.

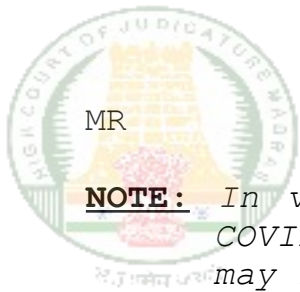
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



MR

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,
(In the Capacity of District Registrar),
Villivakkam Sub-Registration Office,
Combined Registration Office,
Nolambur Phase - II,
2nd Main Road,
Chennai.

+1 CC to M/s.SPL GP (SR-8677[F] dated 25/02/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-8888[F] dated 25/02/2022)

W.P.[MD]No.3542 of 2022
24.02.2022

NSN(CO)
KB(08.03.2022) 3P 4C