



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3621 of 2022

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K.Selvaraj

... Petitioner

Vs.

1.The Inspector General of Registration,  
Tamil Nadu Registration Department,  
No.100, Santhome High Road,  
Chennai - 600 028.

2.The Sub Registrar,  
Aathur Sub Registrar Office,  
Aathur,  
Dindigul 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 Refusal No.RFL/Aathur Dindigul/11/2022 dated 15.02.2022 issued by the second respondent and quash the same as illegal and consequently directing the second respondent to register the sale deed dated 15.02.2022 presented by the petitioner vendee for registration without insisting for the production of original parental document in the light of the order made by this Court in case Vijayandran Vs. I.G. of Registration reported in 2011(2) LW 648.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.S.Shanmugavel  
Additional Government Pleader

**O R D E R**

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This writ petition has been filed challenging the refusal check slip dated 15.02.2022 issued by the second respondent refusing registration of the sale deed executed by the petitioner in favour of his purchaser, on the ground that the petitioner has not produced the original parent documents. The parent documents are registered sale deeds dated 11.03.2004, 02.08.2004 and 17.05.1999 registered as Document Nos.693/2004, 736/2004 and 1431/1999, respectively. The



petitioner has produced the certified copies of the said parent documents at the time of registration to the 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 of the parent documents mentioned supra.

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

3. Admittedly, the sale deeds dated 11.03.2004, 02.08.2004 and 17.05.1999, which are 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 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 certified copies of the sale deeds dated 11.03.2004, 02.08.2004 and 17.05.1999 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 the registering authority to refuse registration just because the 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 second respondent and accordingly, the impugned refusal check slip dated 15.02.2022 issued by the second respondent is quashed. The second respondent is directed to admit the sale deed dated 15.02.2022 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, this writ petition stands allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

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/ /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

1.The Inspector General of Registration,  
Tamil Nadu Registration Department,  
No.100, Santhome High Road,  
Chennai - 600 028.

2.The Sub Registrar,  
Aathur Sub Registrar Office,  
Aathur,  
Dindigul District.

+1 CC to M/s.SPL GP ( SR-8971[F] dated 28/02/2022 )

**W.P. [MD]No.3621 of 2022**

**25.02.2022**

\_RD(10.03.2022) 3P 4C