



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4329 of 2022

P.Pechiyammal

.. Petitioner

Vs

The Sub Registrar,
Checkanoorani,
Thirumangalam Taluk,
Madurai District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip issued by the respondent vide proceedings in Refusal No.RFL/CHECKANAOORANI/5/2022, dated 18.02.2022 and quash the same as illegal and arbitrary and consequently direct the respondent to register the gift deed, dated 17.02.2022, presented by the petitioner and her husband Poosari Muthu alias Muthudevar for registration, without insisting for the production of original documents within the stipulated time as prescribed by this Court.

For Petitioner : Mr.K.C.Ramalingam

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent, dated 18.02.2022, refusing to register the gift deed presented by the petitioner for registration on the ground that she has not produced the original parent document namely document No.1448/2002.

2.It is now well settled by various decisions of this Court that the registration authorities cannot refuse to register any document only on the ground that original parent document was not produced at the time of registration.

3.In the case on hand the petitioner has produced the certified copy of the parent document bearing registration No.1448 of 2002.

<https://hcservices.ecourts.gov.in/hcservices/>



But the respondent has refused to register the gift deed presented by the petitioner for registration only on the ground that the original document bearing registration No.1448 of 2002, was not produced by the petitioner.

4. In the following decisions, the same issue that is involved in this writ petition was considered and it was held that there is no necessity to produce the original parent document as none of the provisions of the Registration Act or the Rules contemplate the Registrar to require the party appearing before him for presenting document for registration to produce the original title deeds relating to the property so as to satisfy himself about the ownership of the executant in respect of the property sought to be executed.

- a) **2011-2-L.W.648 (K.S.Vijayendran V. The Inspector General of Registration, Chennai and others),**
- b) **2015 Online SCC Mad 5868, Lakshmi Ammal V. The Sub Registrar, Office of the Sub Registrar, villivakkam, Chennai and others and**
- c) **2018 Online SCC Mad 3989, C.Moorthy V. The Sub Registrar, Aruppukottai.**

5. In view of the well settled law stated supra, the impugned order passed by the respondent has to be quashed and the writ petition will have to be allowed.

6. Accordingly, this writ petition is allowed as prayed for and the respondent is directed to register the gift deed, dated 17.02.2022, presented by the petitioner for registration, within a period of one week from the date of receipt of a copy of this order, if the same is otherwise in order. No costs.

Sd/-

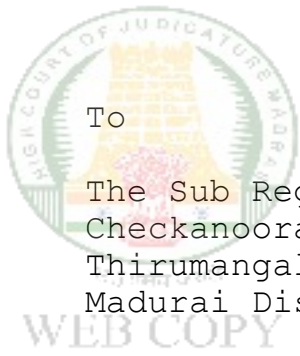
Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar

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,
Checkanoorani,
Thirumangalam Taluk,
Madurai District.

+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-11450[F] dated 11/03/2022)

W.P. (MD)No.4329 of 2022
11.03.2022
2/3

TM

MS/22.03.2022/3P.3C