



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.4741 of 2022

WEB COPY

Vengaiya

... Petitioner

vs.

The Sub Registrar, Kalugumalai,
Thoothukudi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent herein to register the document to be executed by the petitioner without insisting the original document bearing document No.802/1978 dated 31.07.1978 in respect of the property in Survey No.220/3 situated in Maipparai Village, Thiruvengadam Taluk, Tenkasi District.

For Petitioner :Mr.R.J.Karthick

For Respondent :Mr.S.Shanmugavel

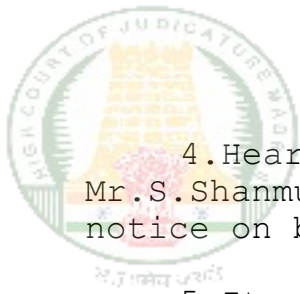
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to register the sale deed to be executed by the petitioner for registration without insisting upon production of original parent document.

2.The petitioner wanted to register a sale deed to be executed by him. The parent documents were missing and in its place, certified copies were produced before the respondent. However, the respondent has refused to register the same and orally intimated the petitioner that the original parent documents will have to be produced by the petitioner.

3.It is the contention of the petitioner that the original parent documents are missing and a police complaint has also been given and paper publication has also been given with regard to the missing of original parent documents. Hence, it is not possible to produce the original parent document. In such circumstances, he has produced the certified copies of parent documents. Since the respondent has refused to accept the certified copies of the parent documents, the petitioner has given a representation to the respondent requesting him to register the sale deed to be executed by him. Since the said representation has not been considered till date, he has filed this Writ Petition.



4. Heard Mr.R.J.Karthick, learned Counsel for the petitioner and Mr.S.Shanmugavel, learned Special Government Pleader, who accepts notice on behalf of the respondent.

5. It is the contention of the learned Additional Government Pleader that in case of missing documents, Circular No.256, would apply. According to him, as per the said circular, the executant must produce non traceable certificate from the police and since the same has not been produced by the petitioner, the respondent has not registered the sale deed presented by the petitioner for registration.

6. The said contention is not acceptable to this Court, as the provisions of the Registration Act or the Stamp Act does not enable the Inspector General of Registration to issue such a circular. Only in accordance with the provisions of the statutory enactments, any circular can be issued by the Inspector General of Registration. Therefore, there is no legal sanctity for the Inspector General of Registration to issue such a circular insisting for production of non traceable certificate by the executant of the document presented for registration.

7. In the case on hand, the petitioner is willing to produce the certified copies of the parent document, namely, the sale deed, dated 31.07.1978 registered as Doc.No.802/1978. Being a public document, that too registered in the very same office, where the sale deed was presented for registration, the respondent ought to have accepted the same and registered the sale deed presented by the petitioner for registration.

8. It is settled law that there is no necessity for any executant of any document to present the original parent documents before registration. It is sufficient that certified copies of the parent documents are produced to the respondent. The law is settled by various decisions of this Court including the decision rendered by this Court on 14.02.2022, in W.P.(MD)No.2895 of 2022 and the decision of another learned Single Judge of this Court in the case of ***Sivanadiyan vs the Sub Registrar, Pudukottai District***, reported in **2021 (2) CTC 526**.

9. A consistent view has been taken by this Court that there is no necessity to produce the original parent document and it would suffice if certified copies of the registered parent documents are produced at the time of registration. In the case on hand, it is the case of the petitioner that he has produced the certified copies of the parent documents, but inspite of the same, the respondent has refused to register the sale deed presented by the petitioner for registration.



10.For the foregoing reasons, a direction is issued to the respondent to register the sale deed to be executed by the petitioner without insisting upon the original parent document bearing document No.802/1978 dated 31.07.1978 in respect of the property in Survey No.220/3 situated in Maipparai Village, Thiruvengadam Taluk, Tenkasi District, and in place of the original parent document, the respondent is directed to accept the certified copy of the parent document and on receipt of the same, the respondent shall register the sale deed presented by the petitioner for registration if the said sale deed is otherwise in order and the stamp duty and other registration charges are paid by the petitioner.

11.With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

The Sub Registrar, Kalugumalai,
Thoothukudi District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-12901[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-13012[F] dated 18/03/2022)

W.P.(MD)No.4741 of 2022

17.03.2022

RK(25/03/2022) 3P 4C