



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5137 of 2022

I.Kaliyappan

.. Petitioner

Vs

1.The Secretary to Government,

The State of Tamil Nadu,

Department of Registration and Commercial tax,

Secretariat, Fort St. George,

Chennai - 600 009.

2.The Inspector General of Registration Department,

D.No.100, Santhome High Road,

Chennai - 600 028.

3.The District Inspector General of Registration Department,

Theni District,

Theni.

4.The Sub-Registrar,

Bodi Nayakkanur Sub-Registrar Office,

Bodi Nayakkanur,

Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to register the sale deed document on the basis of the representation, dated 11.02.2022, to consider in the representation, by this Court.

For Petitioner

: Mr.B.Mohamed Idrish

For Respondents

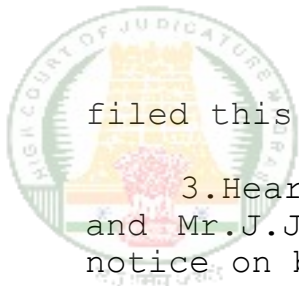
: Mr.J.John Rajadurai

Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to register the sale deed presented by the petitioner for registration based on the petitioner's representation, dated 11.02.2022.

2.According to the petitioner, he had presented the sale deed for registration by producing the certified copies of the parent documents. However, the same has been refused to be registered on the ground that the petitioner will have to produce the original parent documents. In such circumstances, he has given a representation on 11.02.2022, requesting the respondent to register the sale deed presented by him for registration. Since the representation has not been considered till date, the petitioner has



filed this writ petition.

3. Heard Mr.B.Mohamed Idrish, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents.

4. The issue whether the parent documents have to be submitted in original is concerned, the same is covered by various decisions of this Court, including the order, dated 02.07.2018, passed by this Court in W.P.(MD).No.11426 of 2018, filed along with this writ petition. Consistently, this Court has held that there is no legal sanctity for the Registration Department to insist upon the production of the original parent documents and it would suffice if the certified copies of the parent documents are produced. In the case on hand, the petitioner states that the petitioner is willing to produce the certified copies of the parent documents before the Registration Authorities. Further, it is the contention of the petitioner that the parent documents were registered only in the very same registration office, where the petitioner has submitted the sale deed for registration.

5. For the foregoing reasons, this Court directs the respondent to register the sale deed presented by the petitioner for registration provided that the petitioner submits the certified copies of the parent documents. The sale deed shall be registered if the same is otherwise in order and the petitioner has paid the required stamp duty and registration charges.

6. In terms of the above direction, this writ petition is disposed of.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 Secretary to Government,
The State of Tamil Nadu,
Department of Registration and Commercial tax,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Inspector General of Registration Department,
D.No.100, Santhome High Road,
Chennai - 600 028.
- 3.The District Inspector General of Registration Department,
Theni District, Theni.
- 4.The Sub-Registrar,
Bodi Nayakkanur Sub-Registrar Office,
Bodi Nayakkanur,
Theni District.

+1 CC to M/s.B.MOHAMED IDRISH, Advocate (SR-13778[F] dated
23/03/2022)

+1 CC to M/s.SPL GP (SR-14274[F] dated 24/03/2022)

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KB(31.03.2022) 3P 7C