



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.5064 of 2022

A.Deepanraj

... Petitioner

vs.

1. The Sub Registrar,
Kovilpatti Sub Registrar Office,
Thoothukudi District.

2. A.Seethalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip in RFL/ Kovilpatti/13/2022 dated 15.03.2022 and to quash the same and consequently, to direct the respondent No.1 to register the Settlement Deed dated 15.03.2022 executed by the petitioner in favour of the respondent no.2/Mother without insisting the original document within a time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash
For R1 : Mr.J.John Rajadurai
Government Advocate

O R D E R

This Writ Petition has been filed challenging the impugned refusal check slip, dated 15.03.2022 issued by the first respondent rejecting the settlement deed presented by the petitioner for registration on the ground that the original parent documents have not been produced.

2.The petitioner, who is the son of the second respondent, has executed a settlement deed in favour of the second respondent for the property comprised in S.No.322/1 situated at Thittankulam Village, Kovilpatti Taluk, Thoothukudi District. However, under the impugned refusal check slip, the same has been refused to be registered on the ground that the petitioner has not produced the original parent settlement deed, dated 03.11.2020.

3.According to the petitioner, the original parent documents, namely, the sale deed registered as Doc.No.3464/1997 dated 22.10.1997 and the settlement deed, registered as Doc.Nos.8739/2020 and 8741 of 2020 dated 03.11.2020 have been misplaced and therefore, the petitioner has produced the certified



copies of the said documents before the first respondent. Hence, it is his contention that the first respondent ought to have registered the settlement deed presented by the petitioner for registration.

4.The issue involved in this Writ Petition is now covered by various decisions of this Court including a decision rendered by me in W.P.(MD)No.2895 of 2022 on 14.02.2022 in the case of **S.Syed Mohamed Buhari vs the Sub Registrar, Tirunelveli District and others**. In that decision also, the same issue is involved and by following various other decisions, this Court held that the registration authority is not empowered to insist for production of original documents in the absence of specific provisions under the Registration Act. This Court has also held that circular issued by the Inspector General of Registration, Chennai, cannot have sanctity unless authorized by provisions of the Registration Act.

5.The petitioner has produced certified copies of the parent documents, which were also registered in the very same Sub Registrar office. However, by total non application of mind to the settled law, the first respondent has issued the impugned refusal check slip. Therefore, the impugned refusal check slip, dated 15.03.2022 has to be necessarily quashed and the matter has to be remanded back to the first respondent for fresh consideration.

6.Accordingly, the impugned refusal check slip, dated 15.03.2022 issued by the first respondent is hereby quashed and the first respondent is directed to register the settlement deed presented by the petitioner for registration on receipt of the said certified copies of the parent documents, if the same is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

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



To

The Sub Registrar,
Kovilpatti Sub Registrar Office,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-13900[F] dated 23/03/2022)

Order made in
W.P. (MD) No.5064 of 2022
22.03.2022

USK/31.03.2022/3P/3C