



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.5477 of 2022

S.Sivakumar

... Petitioner

Vs.

The Sub Registrar,
Sub Register Office,
Thiruvaiyaru,
Thiruvaiyaru Taluk,
Thanjavur District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, pleased to pass an order to the respondent to allow the registration of release deed and partition deed without mother document in Temporary No.TP/108640017/2021 dated 31.12.2021 bearing Survey No.342/3B admeasuring 33 cents situated at Ganapathiagraharam Village, Papanasam Taluk, Thanjavur District and immediate release after registration to the petitioner.

For Petitioner	:	Mr.M.Vivek
For Respondent	:	Mr.S.Shanmugavel, Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to allow the registration of the release deed and partition deed without mother document in Temporary No.TP/108640017/2021 dated 31.12.2021 bearing Survey No.342/3B admeasuring 33 cents situated at Ganapathiagraharam Village, Papanasam Taluk, Thanjavur District and immediate release after registration to the petitioner.

2. The petitioner wanted to register a release deed executed by the petitioner's sisters in favour of the petitioner and his brother. The parent document was badly damaged 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 document was badly damaged. Hence, it is not possible to produce the original parent document. In such circumstances, he has produced the certified copies of the said parent document.

4. Heard Mr.M.Vivek, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

5. It is the contention of the learned Additional Government Pleader that Circular No.256 would apply to the case of the petitioner. 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 release 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 release deed, dated 13.07.1992 registered as Document No.634/1992. Being a public document, that too registered in the very same office, where the release deed was presented for registration, the respondent ought to have accepted the same and registered the release 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 in spite of the same, the respondent



has refused to register the release deed presented by the petitioner for registration.

10. For the foregoing reasons, a direction is issued to the respondent to register the release deed dated 31.12.2021 presented by the petitioner without insisting upon the original parent document bearing Document No.634/1992 dated 13.07.1992 in respect of the property in Survey No.342/3B admeasuring 33 cents situated at Ganapathiagraharam Village, Papanasam Taluk, Thanjavur 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 release deed presented by the petitioner for registration, if the said release 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. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Sub Register Office,
Thiruvaiyaru,
Thiruvaiyaru Taluk,
Thanjavur District.

W.P. (MD) .No.5477 of 2022
28.03.2022

KG (CO)
KB(08.04.2022) 3P 2C