



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6756 of 2022

Venkatesan

... Petitioner

Vs.

The Sub-Registrar,
Maharnonbu Chavadi,
Thanjavur District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the refusal check slip issued by the respondent vide Refusal Number: RFL/Maharnonbuchavadi/45/2022 dated 03.03.2022 and quash the same as illegal and unconstitutional and consequently direct the respondent to accept the sale deed dated 03.03.2022 presented by the petitioner for registration in respect of property in S.No.164/1A admeasuring 34.05 cents of Kulichapattu, Thanjavur Taluk and District and release the same after completion of legal formalities within the time that may be fixed by this Court.

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

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip dated 03.03.2022 issued by the respondent under which the sale deed presented by the petitioner has been refused to be registered on the ground that the petitioner has not produced the original parent document.

2. The petitioner has presented a sale deed dated 03.03.2022 for registration. According to him, he has submitted the certified copy of the parent document, namely, the settlement deed dated 02.06.2014. It is the case of the petitioner that the original settlement deed is not available with him and it is with his other brother against whom a criminal complaint has been lodged. The other brother has also acknowledged to the police that he is having custody of the settlement deed dated 02.06.2014 which was executed in favour of the petitioner which is the parent document. Since the sale deed presented by the petitioner has not been registered, he has filed this Writ Petition challenging the impugned refusal check slip dated 03.03.2022 issued by the respondent.

3. The law is now well settled by various decisions of this
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Court that there is no necessity to produce the original parent documents. It is sufficient, if the certified copies are produced.

4. In the case on hand, the petitioner has produced the certified copies of the settlement deed dated 02.06.2014 standing in his name, which is the parent document, in place of the original document. According to the petitioner, the original settlement deed dated 02.06.2014 is in the custody of his brother against whom a criminal complaint has been lodged by him. His brother also admitted to the police that he is in custody of the original settlement deed dated 02.06.2014 standing in the name of the petitioner.

5. The impugned refusal check slip has been issued by the respondent only on the ground that the petitioner has not produced the original parent document. As stated above, since the law is well settled, there is no necessity for the petitioner to produce the original settlement deed which is the parent document and it would suffice if the petitioner produces the certified copies of the same, which he has done so in the case on hand.

6. The Circular No.25600/C1/2018 dated 07.06.2018 issued by the Inspector General of Registration, relied upon by the learned Additional Government Pleader appearing for the respondent, has no legal sanctity in so far as the requirement of the production of original parent documents is concerned, as the law is well settled now by various decisions of this Court which has laid down that there is no necessity for production of original parent documents at the time of presentation of any document for registration.

7. For the foregoing reasons, this Court is of the considered view that the impugned refusal check slip has been issued by the respondent by non-application of mind to the settled law.

8. Accordingly, the impugned refusal check slip dated 03.03.2022 issued by the respondent is hereby quashed and the Writ Petition is allowed. The respondent is directed to register the sale deed presented by the petitioner for registration, if it is otherwise in order, on payment of requisite stamp duty and registration charges. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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To

The Sub-Registrar,
Maharnonbu Chavadi,
Thanjavur District.

WEB COPY

+1 CC to M/s.S. VENKATESAN, Advocate (SR-18065[F] dated
12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18847[F] dated 13/04/2022)

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RD(06.05.2022) 3P 4C