



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8830 of 2022 and

W.M.P.[MD]No.6424 of 2022

WEB COPY

P.Sureshkumari

... Petitioner

Vs.

The Joint Registrar No.III,
Office of the Joint Registrar No.III,
Tiruchirappalli,
Tiruchirappalli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the refusal order passed by the respondent in Regusal No.RFL/3 Number Joint Sub-Registrar Trichy/18/2022 dated 12.03.2022 and quash the same and direct the respondent to register the settlement deed executed by the petitioner on 12.03.2022 presented by the petitioner without insisting on production of original title documents.

For Petitioner : Mr.N.S.Karthikeyan

For Respondent : Mr.S.Shanmugavel

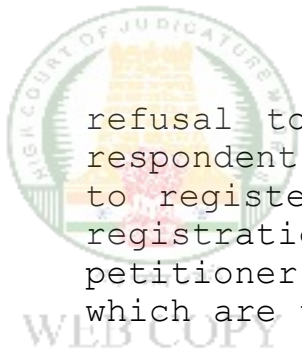
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the refusal check slip dated 12.03.2022 issued by the respondent refusing registration of the settlement deed executed by the petitioner in favour of her sons Krishnamoorthy and Ragunathan, on the ground that the petitioner has not produced the original parent documents. The parent documents are registered sale deeds pertaining to various properties. The petitioner has produced the certified copies of the said parent documents at the time of registration to the respondent. But under the impugned refusal check slip, the respondent has refused registration on the ground that the petitioner has not produced the original of the parent documents.

2. Heard Mr.N.S.Karthikeyan, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondent.

3. Admittedly, the sale deeds which are the parent title deeds are registered documents and therefore, they are public documents. Being public documents, this Court is of the considered view that



refusal to take cognizance of the said public documents by the respondent is erroneous. The respondent has mechanically refused to register the settlement deed presented by the petitioner for registration without applying his mind to the fact that the petitioner has produced the certified copies of the sale deeds which are the parent title deeds and are public documents.

4.The issue involved in this writ petition has been considered by another learned Single Judge of this Court in the case of ***Sivanadiyan Vs. The Sub Registrar, Pudukottai, reported in 2021 (2) CTC 526.*** In similar circumstances, this Court held that production of original title deeds is not mandatory and the registering authority is not empowered to insist for production of original documents [parent documents] in the absence of specific provision under the Registration Act. The learned Single Judge has held that the circular issued by the Inspector General of Registration, Chennai, cannot have legal sanctity unless the power of issuance of such circular is authorised under the provisions of the Act.

5.In the case on hand also, the Registration Act does not empower the registering authority to refuse registration just because the petitioner has not produced the original title deeds [parent documents], though she has produced the certified copies of the same. This Court is in agreement with the view taken by the learned Single Judge in the aforementioned ratio.

6.Therefore, this Court is of the considered view that by total non-application of mind the impugned refusal check slip has been issued by the respondent and accordingly, the impugned refusal check slip dated 12.03.2022 issued by the respondent is quashed. The respondent is directed to admit the settlement deed dated 12.03.2022 presented by the petitioner for registration and register the said document if it is otherwise in order within a period of two [2] weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)



To

The Joint Registrar No.III,
Office of the Joint Registrar No.III,
Tiruchirappalli,
Tiruchirappalli District.

+1 CC to M/s.N.S. KARTHIKEYAN, Advocate (SR-23131[F] dated
02/05/2022)

+1 CC to M/s.SPL.GP (SR-23263[F] dated 02/05/2022)

ORDER MADE IN
W.P.[MD]No.8830 of 2022
29.04.2022

USK/18.05.2022/3P/4C