



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.9886 of 2022

P.Jeyaprakash

... Petitioner

vs.

The Sub Registrar
Manamadurai
Sivagangai District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling the records relating to the proceedings of the Respondent made in Refusal Check slip RFL/Manamadurai/2/2022, dated 11.05.2022, and quash the same and consequently direct the Respondent to register the settlement deed dated 11.05.2022 executed by the Petitioner.

For Petitioner : Mr.Murali.R.

For Respondent : Mr.S.Kameshwaran
Government Advocate

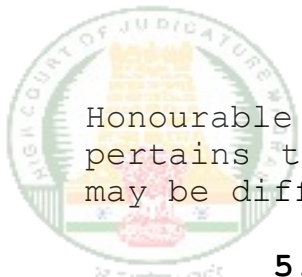
O R D E R

This writ petition has been filed challenging the refusal check slip dated 11.05.2022, issued by the respondent, under which the settlement deed dated 11.05.2022 presented by the petitioner for registration has been refused to be registered on the ground that the petitioner has not produced the original parent documents.

2. The contention of the petitioner is that he has produced certified copy of the parent documents and the original documents are found missing. The petitioner also contends that Patta stands in his name and he is the settlor in the settlement deed.

3. It is settled law as held in various decisions of this Court that there is no necessity to produce original parent documents and it would suffice if certified copies of the same are produced at the time of registration of document. The petitioner also claims that he has produced certified copy of the parent documents. But despite the same, the second respondent has refused to register the settlement deed. It is also his contention that the original parent documents are found missing.

4. The learned Government Advocate appearing for the respondent has placed before this Court an order dated 25.03.2022, passed by the Honourable Division Bench of this Court and submitted that the order dated 24.02.2022 passed by this Court in W.P.(MD) No.3538 of 2022 involving a similar matter was stayed by the



Honourable Division Bench. However, as seen from the said order, it pertains to that petitioner alone and the facts and circumstances may be different in that case.

5. The learned Government Advocate further submitted that the petitioner will have to submit an affidavit before the second respondent at the time of registration of the settlement deed stating that he has not mortgaged or encumbered the property, which is the subject matter of the settlement deed, which has been presented for registration.

6. The learned counsel for the petitioner is also agreeable for the same.

7. In view of the settled law, the impugned refusal check slip dated 11.05.2022 has to be quashed and the writ petition has to be allowed.

8. Accordingly, the writ petition is allowed and the impugned refusal check slip, dated 11.05.2022, issued by the respondent is quashed. The respondent is directed to register the settlement deed dated 11.05.2022, presented by the petitioner for registration, if it is otherwise in order, upon the petitioner producing the certified copies of parent documents as well as the copy of Patta standing in his name and submitting an affidavit stating that he has not mortgaged or encumbered the property, which is the subject matter of the settlement deed dated 11.05.2022. No costs.

Sd/-

Assistant Registrar (Vacation
Officer)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

The Sub Registrar,
Manamadurai, Sivagangai District.

+1 CC to M/s.R. MURALI, Advocate (SR-23978[F] dated 20/05/2022)
+1 CC to M/s.SPL.GP (SR-24038[F] dated 23/05/2022)

W.P.(MD) No.9886 of 2022

20.05.2022