BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19832 of 2021

Palanisamy ... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Keeranur, Palani Taluk,
Dindigul District. ... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip in refusal Number: RFL/Keeranur/19/2021 dated 07.10.2021 passed by the respondent herein and quash the same as illegal and further direct the respondent herein to register the documents presented by the petitioner dated 07.10.2021 with respect to Survey No.356/1A1 to an extent of 1 acre 76 cents in Paruthiyur Village, Palani Taluk, Dindigul District for registration without insisting for the production of original parent document in the light of the order made by this Court in K.S.Vijayandran V. I.G. of Registration reported in 2011 (2) LW 648 within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondent : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

* * *

O R D E R

Heard the learned counsel on either side.

2. The property in question forming part of a larger extent belonged to Chinnammal, mother of the petitioner herein. Vide document dated 24.05.1989, she settled the same in favour of the writ petitioner herein. Thereafter, there was a mutation of patta and the writ petitioner's name was also included as the joint pattadhar. The petitioner wants to sell a portion of the land which was settled in favour of the third party. When the document was presented for registration, the registering authority issued the impugned refusal check slip and declined to register the document primarily for the following two reasons:-

a) The original settlement deed dated 24.05.1989 executed in his favour was not produced.

b) Patta in respect of the property does not even reflect the name of the writ petitioner.

3. Questioning the said refusal check slip, this writ petition has been filed.

4. The learned counsel appearing for the writ petitioner took me through the averments set out in the affidavit filed in support of the writ petition.

5. Per contra, the learned Additional Government Pleader appearing for the respondent submitted that the impugned refusal check slip does not call for any interference.

6. I carefully considered the rival contentions and went through the materials on record.

7. It is true that the stand of the writ petitioner is that

he had lost the original document No.296 of 1989 and that he is not in a position to produce the certified copy. It has been held by a learned Judge of this Court in ***W.P.(MD)No.19745 of 2020*** vide order ***dated 11.02.2021 (Sivanadiyan V. The Sub Registrar, Pudukottai District)*** that the registering authority cannot insist on production of the original title deed. It is also seen that the petitioner's name has been entered in the revenue record. The petitioner through his counsel gives an undertaking that in the document proposed to be registered, he would include the recital stating that he had lost the original settlement deed dated 24.05.1989 and that the same has not been mortgaged or deposited by way of security and that there is no encumbrance on the property. The undertaking given by the petitioner is recorded.

8. The petitioner is ready to produce the original patta. Since the petitioner is ready to comply with the statutory mandate set out in the Patta Passbook Act and in view of the undertaking given before me, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document by including the aforementioned recital.

The respondent shall receive the document in question and register the same and release it subject to usual formalities. This writ petition stands allowed. No costs.

28.07.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

The Sub Registrar,
Sub Registrar Office,
Keeranur, Palani Taluk,
Dindigul District.

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.19832 of 2021

28.07.2022